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OCTOBER MEETING, 1901.

THE stated meeting, the first since the summer recess, was held on Thursday, the 10th instant, at 3 o'clock, P. M.; the President in the chair.

The record of the June meeting was read, and also the list of donors to the Library and the accessions to the Cabinet.

Mr. Arthur T. Lyman, of Boston, was elected a Resident Member, and Mr. Charles H. Firth, of Oxford, England, a Corresponding Member.

The President and Rev. Morton Dexter were appointed to represent the Society at the approaching bi-centennial anniversary of the founding of Yale University.

Rev. Henry F. Jenks communicated the memoir of the late Rev. Dr. Lucius R. Paige, and Mr. James M. Bugbee the memoir of the late Samuel F. McCleary, which they had been respectively appointed to prepare for publication in the Proceedings.

The PRESIDENT, who had recently returned from a visit to England, then said: —

Gentlemen, Members of the Society, — Meeting here after the summer's vacation, — with an interval of four months since we last assembled, — the first thought now, as always, is, and necessarily must be, of our numbers. Do we come together with full ranks? If not, what vacancies have occurred? Whose seat here is next to be filled? Naturally enough, it is not often the good fortune of him who may preside at this autumnal meeting to announce that all are present, or accounted for among the living; and to-day constitutes no exception to the rule. Since the 13th of June one vacancy has occurred in our roll of Resident Members, and two in that of our Corresponding Members. Professor John Fiske died at Gloucester on the 4th of July; and, of our Corresponding Members, Professor Herbert B. Adams died at Amherst, July 30, and G. W. Ranck on the 2nd of August.

Eminent as he in many ways was, and noteworthy as

his contributions to written history have been, Mr. Fiske was never closely identified with this Society; and of him, therefore, there is little to be said by me. Others, better equipped for the purpose, will presently speak and write of John Fiske, his personality and his labors. And this is as it should be; for, with powers of assimilating knowledge almost phenomenal, he was also unquestionably the most picturesque and popular of American historical writers living at the time of his death, if, indeed, any exception of time should be made. It would, therefore, not be fitting if our Proceedings failed to contain some careful appreciation of him, indicating how we, his contemporaries and fellow-laborers in the same field, regarded him, and the estimation in which his work was by us held at the time his labors came to their premature and sudden close.¹ Of his ultimate standing as an historian it would, of course, be premature now to speak; for the verdict of fifty years later — if the second generation after a man ceases to be cares to pause long enough in its course to pass any verdict at all upon him — is notoriously apt to be very different from that rendered the day of death. Fashions change; and they change not less in the writing of history than in music, architecture, and art. Genius only confers even a century of fame; and much more is needed to assure an immortality: and, in the recognition of genius, contemporaries are not conspicuous for accuracy of judgment. They unquestionably do now and again, so to speak, hit it off correctly, time setting its stamp of final approval on their verdict. It was so in the case of Gibbon; but many other eighteenth-century historical works which had an almost equal vogue with the "Decline and Fall" in their day — the effusions of Hume and Robertson, for example — have long before their centennials been quietly relegated to the repose of the upper shelf. However it may a century hence be with the writings of Professor Fiske, it can, as matter of record, now truthfully be said that he was, taken for all in all, the most successful, as well as one of the most industrious and prolific

¹ "He [Fiske] has never been one of those thorough investigators of fundamental data and ideas whose conclusions are accepted by historical scholars, even when unfamiliar and unwelcome. But the great popular vogue of his books has been based upon a belief that facts so well presented, with such clarity of statement and such attractiveness of style, must have been well considered." Mrs. Schuyler Van Rensselaer, in the "North American Review" for August, 1901 (p. 171).

of the American historical writers of his time, and in a very marked degree he, so to speak, popularized a fairly correct understanding of our history, — assimilated it and its traditions with the national thought. He was supreme in his province; and this is much to say of any man.

But, in announcing a death, it devolves on me merely to speak of a member of this Society; and in that connection, as I have already intimated, there is in the present case little to dwell upon. Elected at the March meeting of 1892, Professor Fiske had at the time of his death been a member a little over nine years; yet I remember only once to have seen him at a meeting. That single occasion was in the old building overlooking the King's Chapel graveyard, and shortly after his election. At the meeting at which Professor Fiske was elected Mr. Winthrop, then an octogenarian, made an incidental reference to that long flight of "iron stairs" which we older members remember so well, and acknowledged the hesitation he felt in attempting to climb them. Those stairs, I fancy, had some connection with Mr. Fiske's habitual absence from our meetings. Not only was he a man of many engagements and much occupation, — almost incessantly in physical movement as well as intellectual action, — but of him it might have been said, more truthfully, I apprehend, than of Hamlet, "He's fat, and scant of breath." On the single occasion of his attendance I chanced to meet him on those "iron stairs" and accompanied him up them and into the room. Obviously the ascent was to him toilsome, and in no way a source of satisfaction. I think he did not covet a repetition of the experience. In any event, as a Society we never saw him save then. He contributed nothing to our Proceedings, nor did he serve on the Council or our committees. Nevertheless, our roll would not be complete did it fail to bear his name. He was *de jure* one of us.

Of Professor Adams and Mr. Ranck, I will merely say that the name of the former has been upon our rolls since January, 1883, and that of the latter since December, 1879. Of Professor Adams something will presently be said by one peculiarly qualified to pass upon his work. The death of Mr. Ranck, killed in a railway accident in the full tide of his activities, was especially deplorable. He had done much work of a most valuable character in connection with the history of

the early settlement of his native State of Kentucky, — the Daniel Boone period, — with the spirit of which he was thoroughly impregnated. Only within the last few months, I had been in active correspondence with him over an admirable monograph on his favorite theme recently brought out in the collections of the Filson Club. It was in every respect an extraordinarily creditable publication, and, with his permission, I have given the copy of it he sent me to this Society. It is to-day upon the table. A few days only after his last letter to me, Mr. Ranck's death was in the papers. As a local investigator and monographist he left work of much historical value.

Passing to other matters proper to this occasion, all here I am sure must feel, as I feel, that the record of the meeting would not be complete did it fail to contain fitting reference to the tragic and terrible episode in national life which, since we met last, has burned itself into history, — the assassination of President McKinley. Twice before has this Society, in common with the whole land, been shocked by like occurrences. Mr. Winthrop occupied this chair at the time of both, and, on each, appropriate resolutions, submitted by him and unanimously adopted, were spread upon our record.¹ From the precedents thus established I propose to deviate; not that I have failed to sympathize in the outburst of feeling this truly terrible event has excited, or the expressions elicited by it; but, on now reading the resolutions heretofore passed on similar occasions, they seem to me, though drawn with all Mr. Winthrop's accustomed felicity, unequal to the occasion, — in one word, almost of necessity, formal, conventional, perfunctory. I also feel that I could not express myself more adequately. Of President McKinley all has in this way been said that can be said: —

“Duncan is in his grave;
After life's fitful fever he sleeps well;
Treason has done its worst; nor steel, nor poison,
Malice domestic, foreign levy, nothing
Can touch him further.”

He cannot hear; and, as to her for whom the latter years of the dead President's life were one long record of affectionate, self-sacrificing care, no formally set down words of mine could

¹ Proceedings, April 20, 1865; First Series, vol. viii. p. 256; September 8, October 13, 1881; *Ibid.*, vol. xix. pp. 4, 63.

add one iota to the expression of sympathy — deep and prolonged as sincere — which has already gone forth. This being so, silence seems best.

Still, to one aspect of this awe-impelling tragedy I wish to call attention, for that aspect has to my mind an historic interest. Perhaps, already discussed, it is an old story; if such is the case I can only excuse myself on the ground that, having been absent from the country, and only just returned to it, I am less informed as to what has been said than I otherwise might have been. But when some event like this last murder of a high official startles and shocks the whole civilized world, the first impulse always is to attribute its occurrence to present conditions, — moral or material, — to some circumstance or teaching or appliance peculiar to the day, — and to ask in awe-struck tones, — To what are we coming? Whither do tendencies lead? In what will they result? So, as of genuine historical interest, in this connection, I want to call attention to the very noticeable fact that this murder of President McKinley by the wretched, half-witted Czolgosz has no significance whatever, as respects either cause or method, in connection with the times in which we live, its destructive appliances, or its moral instruction. This, somewhat curiously, is true not only of President McKinley's assassination, but of all the assassinations of a like nature, with two exceptions, which have occurred within the last half-century. Of such, I easily recall eight: (1) the Orsini attempt on Napoleon III. in 1858, which resulted in numerous deaths, though the person aimed at escaped unharmed; (2) the slaying of President Lincoln in 1865; (3) that of the Czar Alexander II. in 1881; (4) that of President Garfield three months later in the same year; (5) that of President Carnot in 1894; (6) that of the Empress Elizabeth of Austria in 1898; and (7, 8) those of King Humbert in 1900, and, more recently, of President McKinley.

This is truly enough the age of advance, — scientific and intellectual. Strange doctrines are promulgated and widely preached. There is a freedom given to utterances, at once wild and subversive, the like of which the world has not known before; we do not believe in the suppression of talk; the press disseminates incendiary doctrines broadcast among the partially educated, and the half, where not wholly, crazed.

Then, in its turn, science has put the most deadly and destructive of appliances within easy reach of the irrational or reckless. Yet, of all the attempts I have enumerated, two only have borne an earmark of this age. The Orsini conspiracy of 1858 and the death of the Czar Alexander in 1881 brought into play implements of destruction unknown to former generations; the other six cases out of the eight had no features in any respect different from similar crimes of the long past. The impulses, the methods, and the weapons of Booth and Guiteau, in 1865 and 1881, were identical in every way with those of Ravallac and Gérard in 1585 and 1610, three centuries before. They had in them nothing epochal, — nothing peculiar to the dynamitic age. Consider, in the first place, the aim of the assassin, the object of his animosity, — McKinley and Garfield were neither tyrants nor despots; nor were William the Silent and Henry of Navarre. On the contrary, all those named were men of a merciful, not to say singularly genial disposition. Beneficent as rulers and magistrates, they were in the popular mind connected with no severities towards individuals. In not one of these cases had the assassin, directly or indirectly, immediately or remotely, suffered injury at the hands of his victim. It was the same with Lincoln and Carnot, Humbert and Elizabeth. In all these instances, moreover, the weapons used in killing were identical, and common to the earlier as to the latter period. Henry of Navarre in 1610, President Carnot in 1894, and Elizabeth of Austria in 1898, were murdered by thrusts of a poniard; William of Orange in 1584, King Humbert in 1900, and Presidents Lincoln, Garfield, and McKinley, all within forty years, met their deaths from pistol-shots. In no one of these tragedies did the modern high explosive play any part. They were all ordinary shootings or stabbings of the old style.

Nor was it otherwise as respects motive. The more recent instances developed nothing peculiar to any age or doctrines, except that in the earlier cases the crime originated in a morbid fanaticism born of religious zeal; whereas, in the latter, social and anarchistic teachings had taken the place of theological. In the process of human development, or evolution as we call it, the same character of mind was set in action to a like end by the same diseased impulse, only under another name. There is no new factor at work; merely

the teaching of social rights now operates, in a certain order of brooding minds, as the teachings of theology once did on minds of the same temper. So far as these recent murders are concerned, the world and human nature have, therefore, undergone no change. The Czolgosz of 1901 is Gérard re-embodied, and armed with his old weapon, as Lucchesi is Ravallac. The three centuries between introduced no element of novelty. Indeed, the thought this recent murder has most forced on me has been one of surprise, on the whole, that such things so rarely happen. Here in America are now seventy millions of people, — gentle and simple, rich and poor, sane and insane, healthy and morbid; of those seventy millions not a few are men who, like Macbeth's hired assassin, might truthfully enough declare themselves of those

“ Whom the vile blows and buffets of the world
Have so incensed that I am reckless what
I do to spite the world ”;

and when thus thought of it seems cause for genuine surprise that among those seventy millions there do not more frequently develop single individuals — some one person in the half million — who, seized in his brooding moments with the homicidal mania, asserts his equality and his hate by striking at the most shining mark. To my mind, taking mankind as it is, it is the rarity of these attempts in our day, not their occasional occurrence, which is most calculated to excite our special wonder.

As I have said, at the time of the assassination of the President, I was in England, having left home, on a summer's recreation bent, upon the 10th of August. The news of the shooting was in the London papers of Saturday morning; then came the week of reassuring bulletins, at the close of which the victim was pronounced out of all serious danger. It had been so stated Friday. The following day, Saturday, I chanced at noon, not having seen a morning's paper, to drive into Tunbridge Wells, and there stop for an hour. As I loitered through the main street of the town I noticed the British flag above the Post Office at half-mast; and instantly there came over me the fear of what had indeed occurred. During the week which ensued I was in London or at Winchester, at which latter place I attended the millenary of King Alfred,

while, in the former, I was present at the memorial services in Westminster Abbey on the day of the President's funeral. I therefore had some opportunity to witness that singular and very suggestive outburst of sympathy and fellow-feeling on the part of our kin beyond the sea which was so marked a feature of this unhappy episode.

But, first, let me briefly explain how it came about that, being at Winchester on the really memorable occasion I have referred to, I failed there properly to represent both this Society and the American Historical Association, of which latter also I now chance to be President. It was because of a strange concurrence of carelessness and accident. Going abroad on a sudden impulse, and at a week's notice, the Winchester ceremonial had not occurred to me. Consequently, as attendance on that occasion in no way entered into my plans, I went unprovided with credentials. I ought to have thought of it. Indeed, it was not until the celebration was close at hand and in large degree arranged for, that it suddenly occurred to me that there was a certain impropriety in my being then in England and leaving the two Societies of which I was the head unrepresented at such a noticeable historical event; for while we of America have unending centennials, millenaries, unusual at best anywhere, are here still only possibilities of a generation yet six centuries remote. Under these circumstances, my keeping away when so close at hand seemed little less than a discourtesy. I accordingly wrote at once from Scotland, where I then was, to our recently elected Corresponding associate Mr. Frederic Harrison, one of the most active promoters of the affair, and to my friend the Right Hon. G. S. Lefevre, whose summer home is at Winchester, advising them of my presence, and stating my wish to represent more especially the oldest of American Historical Societies at the unveiling of the Alfred statue. The attempt had not then been made on President McKinley, and my plans of travel included a visit to North Berwick, where I fully expected to meet our Ambassador, Mr. Choate, whose presence at Winchester was a leading feature in the programme. My letters to Mr. Harrison and Mr. Lefevre proved sufficient credentials. Those gentlemen at once made the proper representations, and my place in the programme was assigned me. It so chanced, however, that by merest accident

I failed to meet Mr. Choate, and he was not aware that I proposed to be at Winchester in a representative capacity. This would not have mattered but for the wholly unexpected death of the President; but that catastrophe led to a rearrangement of the programme, as Mr. Choate was unable to attend, and through a series of misapprehensions — failures to receive notices, and absences to meet other engagements, all needless to recount in detail — both this Society and the American Historical Association were, so far as the record went, quite unrepresented. This I here state merely in my own excuse. What occurred was not so intended, and should not have been.

I have already mentioned that, on Wednesday, 19th September, the second day of the Winchester celebration, I was in London, and present at the memorial services in Westminster Abbey. These have been sufficiently described, and I shall indulge only in the briefest possible reference to them. Certainly they were most impressive. Being, through the courtesy of Mr. Choate, seated in the choir, I was not in position to see the nave of the Abbey, except in part and by glimpses; but throughout the solemn observances of that day and place, an atmosphere of genuine sympathy and deep feeling pervaded the great assembly. Every nook and corner was occupied; a sense of awe was apparent. The day had been dull and obscure, — a September noon in London, — but towards the close of the ceremonial, as the solemn tones of the great organ, intermingled with the responses of the choir, rolled up through the arches of the vaulted roof, the clouds broke away without, and the sun shone down through the windows of stained glass on the vast congregation below. It was Milton's "dim religious light"; and the dusky atmosphere seemed laden with the smoke of incense, as the chant of the choir died slowly away.

To me personally, however, this outburst of English sentiment towards the United States and all things American — the demonstration of an undemonstrative people — contained within itself much food for thought. I freely acknowledge I have seen nothing like it.¹ And, as my eyes witnessed the

¹ Mr. E. L. Godkin, formerly editor of the "Nation," called attention to this great change of tone in the very last published communication from his pen, dated Lyndhurst, England, July 31, 1901, printed in the New York "Evening Post" of the 10th of the following month. Mr. Godkin is peculiarly qualified to

Present, memory called the Past to mind. What, I could not but ask myself, did it signify? In what did it originate? Was it merely external? Was it matter of policy? Or did it indicate a true change of heart? And if a change of heart, to what was that change due?

My thoughts then reverted to remote days and other experiences, now, in Great Britain, quite forgotten, — memories still fresh with me, though a generation has since passed on. I recalled my first experiences in England far back in the “sixties,” — in the dark and trying days of our Civil War; and again, more recently, during the commercial depression and contest over the free coinage of silver, in 1896. Then, especially in the earlier period, nothing was too opprobrious — nothing too bitter and stinging — for English lips to utter of America, and men and things American. We were, as the “Times,” echoing the utterances of the governing class, never wearied of telling us, a “dishonest” and a “degenerate” race, — our only worship was of the Almighty Dollar. A hearty dislike was openly expressed, in terms of contempt which a pretence of civility hardly feigned to veil. They openly exulted in our reverses; our civilization was, they declared, a thin veneer; democracy was a bursted bubble. In true Pharisaic spirit they made broad their phylacteries, thanking God that they were not as we, nor we as they. All this I distinctly recalled; it was the atmosphere — frigid, contemptuous, condescending — in which I had first lived and moved in London. And now what a change! — and so very sudden! Nothing was too good or too complimentary to say of America. Our representatives were cheered to the echo. In the language of Lord Rosebery, at Winchester, the branches of the great Anglo-Saxon stock were clasping hands across the centuries and across the sea; and the audience applauded him loudly as he spoke.

speak on this point. A Briton by birth, he has, after long residence in this country, been a frequent visitor in England during recent years, returning there recently in failing health. “The American,” he wrote in the letter referred to, “who in any profession enjoys ever so slight a distinction at home, has little idea what a great man he is until he comes to England. It is, however, just as well for him in this respect that he comes now instead of ten years earlier. . . . At the present time American fortunes, and freedom in distributing them, and wide financial operations generally, have so captured the English imagination that they now hasten to embrace indiscriminately the cousins whom they snubbed for a century, and to pronounce them and their works good, one and all.”

The heartiness was all there. That at least admitted of no question. But what did it mean? Why had this people so suddenly awakened to a kinship in which formerly they had felt something in no way akin to pride? It was over this I pondered. At last I evolved an explanation, mistaken perhaps, — I may say probably mistaken, — but still plausible, and to me satisfactory. At the risk, perchance, of seeming ungracious, — of appearing to respond somewhat unfeelingly to an outburst of genuine sympathy on the part of a kindred people, calling on us to forgive and forget the ill-considered utterances and unwise policy of another time, I purpose here to put my much pondered explanation coldly on record.

I think I know the Englishman fairly well; at any rate I have known him through personal contact for over thirty years. I may add that I like him; and, individually, I think he does not dislike me. At any rate, we get on very well together. About him and her there is a downrightness, sometimes, it is true, bordering on brutality, which commands my respect. He does not conceal his feelings. He is not good at playing policy. But, high or low, gentle or simple, rich or poor, the Englishman and the Englishwoman respect and admire the wealthy, the successful, the masterful. This, as a race, the American has shown himself to be; and, as he has more and more so shown himself, the Englishman has undergone a change of feeling towards him, — and this change is, I believe, real. Whether real or not, it certainly is sudden. The outward expression is of recent date; but the influences which have gradually brought it about have been a good while at work. The change, as now witnessed, may, I think, be traced to one remote and three immediate causes. I will enumerate them.

The first was the outcome of our gigantic, prolonged Civil War. At one stage of that struggle, America — loyal America, I mean — touched its lowest estate in the estimation of those called, and in Great Britain considered, the ruling class, — the aristocracy, the men of business and finance, the Army and Navy, the members of the learned professions. None the less, they then saw us accomplish what they had in every conceivable form of speech pronounced impossible. We put down the Rebellion with a strong hand; and then, peacefully disbanding our victorious army, made good our every promise

to pay. We accomplished our results in a way they could not understand, — a way for which experience yielded no precedent. None the less the dislike, not unalloyed by contempt, was too deep-rooted to disappear at once, much less to be immediately transmuted into admiration and cordiality. They waited. Then three striking events occurred in rapid succession, — all within ten years.

I am no admirer of President Cleveland's Venezuela diplomacy. I do not like brutality in public any more than in private dealings. Good manners and courtesy can always be observed, even when firmness of bearing is desirable. None the less, bad for us as the precedent then established was, and yet will prove, there can be no question that, so far as Great Britain was concerned, the tone and attitude on that occasion adopted were productive of results at once profound and in many ways beneficial. The Englishman from the very bottom of his heart respects a man who asserts himself, — provided always he has the will, as well as the power, to make the self-assertion good. This, as a result of our Civil War, they felt we had. We had it also because we had done what they had most confidently proclaimed we could not do, and what they felt they had failed to do. Throughout our Rebellion they had insisted that, even if the conquest of the Confederacy was possible, — which they declared it manifestly was not, — the pacification of the Confederates was out of the question. They thought, also, they knew what they were talking about. Had they not for centuries had Ireland on their hands? Was it not there now? Were they not perpetually floundering in a bottomless bog of Hibernian discontent? Would not our experience be the same, except on a larger scale and in more aggravated form? The result worked out by us wholly belied their predictions. Not only was the Rebellion suppressed, but the Confederates were quickly conciliated. The British could not understand it; in the case of the Transvaal they do not understand it now. They merely see that we actually did what they had failed to do, and are still failing to do. The Spanish War showed that our work of domestic conciliation was as complete as had been that of conquest.

Then came the commercial depression of 1893, and the Silver Issue. Again they predicted all possible disaster. I was in London in the summers of 1896 and 1897, in close touch with

financial circles. The tone and atmosphere at that time prevalent reminded me forcibly of the dark days of the Rebellion. Even as recently as four years back, nothing was too bad for the Englishman "on 'Change" to say or to predict of America, or "Americans," as our securities were called. Suddenly, and in our own way, we emerged from under the cloud, and, again erect and defiant, challenged British commercial supremacy. That they understood; while they feared, in their hearts they admired. Then came our Spanish war; and at Manila and Santiago they saw us crush a European navy, such as it was, much as the lion they have taken for their emblem might crush some captive jackal of the desert. And this they understood best, and most admired. The rest naturally followed. We were unquestionably rich, unmistakably powerful; that we too were a masterful race was evident; we fearlessly challenged supremacy; we had a way of somehow accomplishing results which they had been at much pains vociferously to pronounce altogether out of the question. So they respected and feared us; then they admired us. Were we, after all, not flesh of their flesh, — bone of their bone?

Thus, as I more and more thought of it, I began to realize that the change in the English heart was not only real, but characteristic. I saw, also, or thought I saw, how it came about. The mass of the English people — the great wage-earning class, the toiling millions — never had shared in the fear and dislike, so long and loudly proclaimed, of America and Democracy. They, on the contrary, throughout the Slaveholders' Rebellion, and during our time of greatest stress, sympathized with the national spirit and the Union cause. They all along instinctively felt that we somehow were fighting their battle with privilege and aristocracy. Their hearts, therefore, were true; in them no change had to take place. The governing or influential classes, on the other hand, though prejudiced, were quick, in their way, to learn. They now felt British isolation; they feared for their trade; they found themselves in trouble in Ireland and in the Transvaal. So their hearts turned towards their kin beyond the sea; and they turned in good earnest. The new-born sympathy was real; its expression genuine. They themselves did not analyze the motive. Perhaps it was as well they did not, for the worship of success, however sincere and devout, is not generally regarded as above

criticism. It savors of the Philistine, rather than of the disciples of sweetness and light. None the less it is very human; and, moreover, there is much to urge in extenuation of it. In the present case it was very much as if, from under the parental roof a father had watched some rebellious, self-assertive youth, who had gone forth into the world to work out his destiny in his own way and on his own account, not over and above respectful, and setting all precept and experience at defiance. At first, and for a good while, he would be looked at askance; failure would be pronounced his predestined fate. Then, by degrees, as, always asserting his equality, he overcame difficulties, — as he acquired wealth, power, fame, — the father would begin to look with pride on the stalwart, broad-shouldered, big-boned youth, moving on from success to success, achieving victory after victory, ever accomplishing results before pronounced impossible, by processes peculiarly his own working out a great destiny in defiance of rule. And gradually that father, however set in his ideas, would undergo a change of heart, not the less real because unconfessed, saying to himself: “This is my offspring, — bone of my bone, flesh of my flesh! And what an extraordinary fellow he is, — and enormously rich withal!”

And this, unless I greatly err, is the process through which Great Britain has gone, — is going. In any event, I now submit it as a tentative explanation of an extremely noticeable recent something, — a manifestation no less unmistakable than suggestive. As a change of demeanor, too, it was not otherwise than agreeable to some of us, as last month we sat in quiet reminiscent mood during the ringing plaudits. The “Old Home” had not always welcomed us back in just that way.

Mr. JAMES SCHOULER, having been called on, read the following paper on Mr. Fiske’s characteristics as an historian: —

I had not the pleasure of a personal acquaintance with the late Dr. Fiske, though hearing much about him from a mutual friend. Nor do I feel qualified to discuss his philosophical writings. But I am familiar with his work in American history, and to his memory in that respect I desire to pay my hearty tribute of admiration.

For an easy and captivating style, for philosophical insight

into the relation of events, and rare skilfulness in bringing a wealth of general learning and general historical study to bear upon the immediate topic in hand, I consider John Fiske the chief of our native historians, living or dead. Others may have excelled him in original research, in continuity of effort prolonged in a single direction, in the details of narration; but few ever equalled him in the power to generalize or elucidate from materials already gathered. He brought the aborigines of the old and new world into close comparison, and traced the evolution of our United States of America from the various ancestral races of Europe, whence sprang our thirteen colonies. He wrote well of our Revolution, and touched upon later themes. In style and scholarship he was unequal, as perhaps we may see by comparing the two volumes of his "Discovery of America," which, I am told, was his favorite work; for the first volume is a finished product, while the second must have been rather hurriedly put together. His school history is faulty, and probably did not engage his most ambitious effort. But his worst was good, while his best was excellent.

Dr. Fiske has been called a popularizer of learning, both in history and cosmic philosophy, — one who could make a dry subject interesting and enlist a hundred readers where ten had read before. This, it seems to me, is the prime, I had almost said the distinguishing, quality of a great historian, as contrasted with the mere plodder for facts, the chronicler, or the co-operative worker in some scheme of historical presentation who sees of his epoch but a single phase. The true historian should be somewhat of a literary artist in working up crude materials; he should command the whole field; he should be able to select, arrange, and compose, so as to please and edify. To be sure, he should have breadth of judgment and sound scholarship besides; he should be able to get at the why of things; and in those essential qualities John Fiske was not deficient. Yet, after all, his great gift seems to have been that of clear and impressive exposition, whether of historical facts or of the latent influences which gave them birth.

He was a ready lecturer, and much of the success of his published writings is due to the fact that he first expounded each great subject orally to cultured audiences. In his prefaces, we see him sometimes owning, and sometimes denying

that a course of lectures had made the basis of the particular work ; but in general we may assume that, however much he finally rewrote or rearranged his matter for the press, oral delivery was usually his first mode of accosting the public with his productions. And thus was he led to methodizing for one detached era, one social and political development, at a time ; to cultivating a clear and sententious style of expression, such as might arouse and stimulate listeners ; and to distributing his materials into sections of about equal length for reading aloud, each calculated to leave upon the mind its distinct impression. Thus, too, may we largely account for various familiar allusions to be found in his pages, homely or humorous turns of expression, glances at passing and ephemeral conditions or customs uppermost in the public thought. On the whole, what an author has read and re-read before a body of intelligent hearers, gaining thereby their casual suggestions and those, too, of his own reflection after the subject is first laid open, develops more readily into a good book of solid information than where one sends to the printer from the seclusion of his study the fruits of a silent composition. For to have both hearers and readers is a double inspiration to sound authorship.

Dr. Fiske made good use of his tastes and interests in different fields of learned acquirement. We see in these historical books repeated signs of literary cultivation ; as where he connects our continental beginnings with Shakespeare and the other great writers of the age of Elizabeth. We discern a wide range of historical reading, as where he associates European and American happenings of contemporaneous date. We realize his ripe intimacy with books, as where he quotes or tabulates authorities ; his philology, as in tracing the origin of surnames and geographical titles ; his speculative habit of mind, as where he imagines how different might have been the course of government had certain great affairs turned out differently. His legal experience, too, though limited, aided him over the rough places of chartered rights, real estate tenure, palatinates, and the like. He worked out genealogies ; he compared with zealous eagerness the early and imperfect maps relating to America, so as to show how slowly Europe comprehended that a new continent had been discovered. The customs and religion, the social and domestic institu-

tions, as well as the politics, of all peoples and all tribes, interested him, as helping the solution of that great problem of man's origin, civilization, and final destiny, which was the absorbing topic of his own life's research.

Sometimes, as in his philosophical writings, he warms into eloquence ; but more commonly we find him appealing to the intellect rather with a calmness of equipment, as though to impress the reason only. All pomp or elaboration, like that of Dr. Johnson, he disliked and avoided, using concise and simple sentences to express his meaning. Sometimes he would thrust satirically at modern ways in politics, modern foibles ; but his general tone of utterance is genial and cheery, possibly optimistic. We find few quotable sentences, perhaps, in his volumes of history, though sometimes a quotable phrase, and he rarely sums up or characterizes at full length. But he makes many a sound and striking suggestion or comparison as he proceeds. He strongly believed in heredity, both for the human races and the family.

Some have challenged here and there the accuracy of Dr. Fiske's statements. The most accurate historians have made mistakes, and it would be strange if one who went over so much ground unequally explored, with always an inclination to strong statement and antithesis, should not sometimes have erred both in his facts and deductions. Yet, surely, good judgment and ripe scholarship shine out from Dr. Fiske's historical work as a whole ; and both education and environment forbade that he should be a slovenly writer, or one of merely superficial study. Where we find him discussing mooted points in our history, such as the real service rendered mankind by the Northmen, by Columbus, or by Captain John Smith, he states his own views with a force and fulness of comprehension that carry conviction. In bringing together such varied and copious materials for treatment, he likely enough took much at second-hand, verifying largely, to be sure, and yet testing most by his good sense and skill to discriminate. I am not aware that he has made claims of original outlay or research among archives or rare documents, nor do his footnotes warrant such an assumption. But I am impressed with his wide knowledge of books and writers, and his critical sense of their relative value as authorities. He owed much, no doubt, to the learned labors of George Bancroft and Justin Winsor,

each of whom had traversed before him the ground of our early history ; while Gardiner's excellent History of England gave him much of the parallel life of Europe in colonial times, illumined by the latest scholarship. To all such writers, not to add Prescott and Parkman, he brought his keen acumen, to get at the kernel of the matter, and dipped moreover, into other books less familiar so as to amplify his own investigation. Some old and musty volume written by one of the age he was describing, he would quote quite freely, enjoying manifestly its archaic spelling and quaint idioms of language. Eager, moreover, to keep pace with the latest erudition, he made good use of University monographs, and those especially of the Johns Hopkins series, projected and brought out under the immediate inspiration and direction of Professor Herbert B. Adams, that highly successful educator, our late associate member, who died untimely in the same month with Dr. Fiske, and whom I personally mourn as one of the most loyal and lovable of friends. On the whole, we may perhaps regard John Fiske, not as an exhaustive expositor of the periods of which he treats, so as to supersede good historians his predecessors, but rather as one of an original cast of mind, who, whether in writing or conversation, applied to all materials, to all the authenticated facts of human existence, the idea of evolution, seeking always to discover the development of man and tracing back effects to their prime causation.

Dr. Fiske swept down upon many fields widely apart, to apply his searching tests to the situation. I am told not only that his disposition was errant, that he liked to rove hither and thither in his studies as immediate interest prompted, but that his publishers had sometimes to check him in new lecturing projects, so that a book already under contract with them might be finished for publication. His excursion into the domain of our civil war was transient and exceptional, and he made it, I presume, to please the students and people of St. Louis, where he had been so long a University lecturer highly appreciated. His other books, however, though taking up detached epochs of American discoveries and our Colonial and Revolutionary life, and treating them quite out of turn, had yet, in his mind, an orderly sequence. Two volumes, which would have supplied the missing link, he had planned to bring out about this very time. At what precise point of

such finishing labors death so unhappily overtook him, we shall soon discover. Yet in any event, so fruitful and so enlightening has been his unique work as an historian and interpreter of composite development in this new world, that we may well believe he has built for his fame an enduring monument.

Mr. HENRY W. HAYNES, referring to Mr. Schouler's paper, spoke briefly of Mr. Fiske's account of Americus Vesputius in the second volume of his "Discovery of America," according high praise to it, as the best account of Vesputius which he had seen.

Mr. JAMES F. RHODES spoke of the death of Mr. Adams as follows: —

On meeting Mr. Gilman this summer, and telling him that the duty of saying a few words about Herbert B. Adams had been assigned to me, I asked him whether he could not be present at this meeting to speak of Mr. Adams as a teacher. Other engagements have prevented this visit, but he has sent me his tribute, which I take pleasure in reading.

"In many ways Herbert B. Adams was remarkable as a teacher. The task that fell to his lot was the organization, when he was a very young man, and the maintenance during twenty-five years, of a seminary for advanced students, — college graduates for the most part, — in historical and political science. There was no precedent for him to follow. As a student at Heidelberg he had become acquainted with the methods of the German *Seminary*; he knew what excellent papers upon Anglo-Saxon institutions had been prepared at Harvard under the leadership of Professor Henry Adams in the too brief period of his professorship. Dr. Austin Scott, now President of Rutgers College, and then an adjutant of Mr. George Bancroft, initiated at the Johns Hopkins University instruction in American history, assembling in the stately chairs of the Maryland Historical Society around the library table, a company of bright and well educated young men, to whom this kind of instruction was an intellectual illumination. When Dr. Adams succeeded Dr. Scott, he developed these methods, and introduced many that were new. In the first place he collected a good library. Bluntschli's library was

bought by the German citizens of Baltimore and presented to the university. Other books were given and purchased, and for this purpose Dr. Adams freely expended his own means. Next, he selected excellent aids as Fellows, Assistants, and Associates, one of the very best being Professor J. F. Jameson. He employed every pedagogical agency, — recitations, lectures, conferences, private interviews, co-operative researches, publications, — any method which promised fruit. He did not overlook nor underestimate the value of studies in ancient and mediæval history; indeed, he loved to make excursions into the oriental domain, and true to his puritan ancestry he was particularly interested in the history of religion. But his preference is indicated by the chair that was allotted to him, the professorship of American and Institutional History. The voluminous series of papers which he edited and inspired are almost all of them contributions to this department of research. His example has been followed by his pupils and by others, so that a vast amount of material has been collected and sent forth for future historians. John Fiske made generous acknowledgments of this service; so did Freeman and Bryce. Another series of papers that he edited was devoted to the history of education in the several States of the Union.

“Very few of the teachers that I have known” (I am still quoting Mr. Gilman) “have been so suggestive and inspiring as Professor Adams. It was not his learning that attracted students; many professors have surpassed him in erudition. It was not his eloquence as a lecturer nor his style as a writer that charmed his pupils. He was indifferent to ‘good form,’ — or if not indifferent he regarded form as quite secondary to material. I do not mean to imply that he was a negligent writer or teacher. His voice was clear and ringing; he always held the attention of his hearers; his writings were clear and vigorous, absolutely free from exaggeration and pretence. His distinction, however, rested upon other qualities. He had rare insight into the intellectual qualities of those who came near to him. He would warn them off of fields which he knew they could not cultivate. He would open the doors to treasures which his scholars could appreciate. Thus he became the guide of some of the brightest of the younger teachers of American history. A mere list of those whom he influenced would be better than any eulogy of mine.

“His unfailing cheerfulness and good nature made him an attractive companion and teacher. He was never downcast, not even when the sad summons came to him that his days were numbered, — that he was only ‘as old as his arteries,’ and that they were betraying the effects of age. He loved good stories, striking illustrations, vivid examples. He believed in the diffusion of knowledge as much as in its advancement. He worked hard by day and by night, seeking no personal gains, but laboring constantly for others, and for ‘the good of the cause.’ He died in the harness and he left his books, pamphlets, papers, and most of the modest accumulations of his lifetime to the university which he had served so well, and of which he was so distinguished an ornament.”

I will add a word of my own concerning Adams’s connection with the American Historical Association, in which capacity I knew him best. He had more to do with the founding and conduct of that Association than any other one man, and its present extent and usefulness is a monument in his memory. Chosen Secretary in 1884, the year in which it was organized, he held the position until his ill health compelled his resignation at the Detroit meeting in 1900. In the early days of the Association, when the meetings were held pretty constantly at Washington, the necessities of the organization required Adams to put himself forward, and it used to be said that he ran the Association, but after events showed that this prominence came from no desire to arrogate power. When with continued existence the interest in the Association increased and the meetings were held in various cities, and the chairman of the program committee and the chairman of the committee of arrangements did the work which made the meetings successes, Mr. Adams, with excess of modesty, remained in the background, although his delight at the prosperity of the Association was plainly evident. In the meetings of the Council he was effective, and when once a contest begun in amity threatened to become fierce he was a peacemaker of the best sort. Chosen first Vice-President at the Detroit meeting he would in his turn have succeeded to the presidency at the December assembling of this year.

Mr. Adams’s most pretentious book was the *Life and Writings of Jared Sparks*, published in 1893.

He was fifty-one years old at his death.

Mr. CHARLES C. SMITH spoke in substance as follows : —

I desire to communicate for publication in the Proceedings a further selection from the Story Papers, given to the Society by Mr. Waldo Story last year. The letters to be printed now are of considerably less interest and importance than those heretofore communicated from the same source, but they all seem worth publishing, and in printing them I will add such explanatory notes as may seem desirable.

The first is a letter to Mr. Justice Story from Charles P. Sumner, then a practising attorney in Boston, afterward Sheriff of Suffolk County, but better known as the father of a more distinguished son. It was written about two years before the establishment of the Harvard Law School, and is interesting as showing how little apparently was felt at that time of the need of a thorough preparation for the practice of the law. The answer to this letter is printed in Story's "Life and Letters of Joseph Story," vol. i. pp. 273, 274.

Next we have five letters from Edward Everett, written in 1831 and 1832, while he was a resident of Charlestown and a member of Congress from the Middlesex district. There are a considerable number of other letters from Mr. Everett among the Story Papers, some of which have been printed already, others are not of enough permanent interest or value to justify their publication, and there are two or three of so personal and confidential a character, and written under such strict injunctions to privacy, that it has not seemed proper to print them.

There are four letters from Charles Sumner written in 1837 and 1838, the first relating to the Charlestown Bridge Case, and the other three giving some notes on his first voyage to Europe and his landing in France. Besides these letters there are in the Story Papers eight letters from Mr. Sumner to Judge Story, giving accounts of what he saw and did during this first European experience, but the substance of them is printed in whole or in part in Mr. Pierce's Life of Sumner. It may be added that Mr. Sumner kept a diary, portions of which he copied and sent to his friends in the guise of letters, so that there are some not important variations between the letters in the Story Papers and the corresponding narratives printed in Mr. Pierce's volumes.

In addition to these letters I have selected for publication a letter from Judge Story to his colleague, Professor John H. Ashmun of the Harvard Law School, written in 1831, and dealing with some of the current topics of the day, and six letters, written at different times from 1833 to 1843, to an English correspondent, James John Wilkinson, an eminent Special Pleader, and known as the author of several legal treatises which in their own time were held in high repute for learning and ability.

CHARLES P. SUMNER TO JOSEPH STORY.

Honorable Joseph Story, Judge of the Supreme Court of the United States. Salem.

Boston, 27 June, 1815.

DEAR SIR, — When I saw you yesterday, as you stepped out of court, stand talking awhile with M^r Prescott¹ & M^r Hubbard,² I hoped when you should part with them, you would have been good enough to have passed along where I was standing & waiting for an opportunity to be indulged with a few moments' conversation with you, but in this I was disappointed. After conversing with them at the foot of the Court House steps 8 or 10 minutes you went with them their way, which was very different from mine.

I have it very much at heart that you should deliver a course of lectures on our Constitution; our Statute Laws; our Common Law, such as it is, — modified by our Statutes; & on the Civil Law, or such portions thereof as are most worthy the attention of a lawyer in the United States. You once told me you wanted only the assurance that your expenses should be reimbursed & you would be happy to undertake it. I have revolved the subject in my mind, & I think you may at any & at all times have as many as twenty auditors, who would cheerfully pay 15 or 20 dollars for the course. This would yield 300 or 400 dollars: this would indeed be far short of what it would be worth, but if you should conclude at any time to undertake it, I hope you would consider that you would be thereby rendering a very great & needed service to your country. Law lectures & law treatises are plenty enough for an English student, but such as would be entirely useful to an American student are a very great desideratum. Great as may have been our lawyers, they seem to me hitherto to have bent the force of their minds chiefly to benefit themselves, & very few of them seem like you to

¹ Hon. William Prescott, afterward one of the Judges of the Court of Common Pleas, father of the eminent historian.

² Hon. Samuel Hubbard, afterward one of the Justices of the Supreme Court of Massachusetts.

have considered that there was a great debt due from them to their profession.

Had I had an opportunity yesterday to have seen you by yourself, I should have taken the liberty to request you to indulge me with the perusal of the Supreme Court's decision in a cause that was decided by them at their last term respecting Glebe Lands. Also any other that you should think it proper, convenient, & agreeable to favor me with. I should like also to peruse any & all of your charges to the Grand Jury at the opening of your sessions; I have listened with pleasure & instruction to all that you have delivered in Boston, except that on the 15 May, 1813, when I was unfortunat[ely] prevented from attendance. I should have been happy also to have [asked ?] you (if your memory is retentive enough after a lapse of 5 years) what was the short history of the case of Parkman & Fay in the S. J. Court of Mass^{ts}? You was once kind enough to allow me to peruse your argument in that case, but not knowing all the facts, I did not read it with so much satisfaction as I wished.

About two years ago you did me the honor to entrust to me a letter addressed to the Reporter, M^r Tyng,¹ requesting him to deliver to me such of your briefs & substances of arguments as he had ceased to have any further occasion for. In the cases of which he had finished the reports he cheerfully handed me the papers desired, with acknowledgements of your civilities towards him while you were at the bar. He said he had not finished the reports of all the cases in which he had your briefs, but when he should have finished them he would hand them to me. Since that period he has resided much of his time at Cambridge, & I have not often seen him when I could with propriety draw his attention to it. He has, however, in the course of the last spring told me he should consider me your legatee, & execute your will in my favor, by collecting & laying aside for me the residue of your papers. If he should bring them to me, I shall soon forward them to you: if he does not, I will ask him for them, or forbear, as you think proper to direct.

I do not, & I cannot, see you quite so often & so familiarly as I was once accustomed to. The more a man is elevated by the just award of his country, tho' his admirers are to be found every where, his friends must be looked for almost exclusively in the circle of the great, and I bow to the unalterable nature of things. D^r Wooddeson² at the close of his 3^d lecture, which treats of the several species of magistracy (page 97 Elem. Jurisp.), says: "A certain awfulness seems naturally & in-

¹ Hon. Dudley Atkins Tyng. He was the second person who held the office of Reporter of the decisions of the Supreme Court of Massachusetts.

² Richard Wooddeson, born May 15, 1745, died Oct. 29, 1823, was for sixteen years Vinerian Professor of Law in the University of Oxford. See Dictionary of National Biography, vol. lxii. pp. 388, 389.

seperably to attend the exercise of judicial power ; the importance of the task, & the splendor of the necessary qualifications, concur in bestowing a sanctity on the persons of judges & veneration on their decisions: neither is the estimation of this magistracy impaired by its being familiarised in the display of its functions to the daily inspection of the populace." Under this sentiment I take shelter for my perhaps cowardly bashfulness, — or perhaps for my deficiency in that hospitality which if all circumstances rendered proper it would be my pleasure & my pride respectfully to proffer to you.

I recollect in one of the conversations which you usually give to those who meet with you in M^r Shaw's¹ chambers previous to the opening of the Court you observed that many of the most important principles of the Admiralty law as now understood & administered had their origin in the Civil Law. You mentioned particularly that the doctrine of *a year & a day* was to be found in (I think) the Digest, into which you had looked to corroborate a position you was about to maintain in your decree in the *Avery*. It is thus you are daily verifying what I find laid down as a maxim in a little book entitled "*Principia Legis et Æquitatis*," — "*Multa ignoramus quæ nobis non late-rent, si Veterum lectio nobis fuit familiaris.*" 10 Co. 73.

The few that can dare protrude themselves into M^r Shaw's chambers, & the few that are so happy as to have business to do in your Court, are too thin an auditory for those instructions with which you seize every occasion to delight those that can be near you. I long to have you propose a series of lectures to such as are willing at a moderate expence to hear them. Whatever be the price I will be one of your disciples, & I tender you any assistance in my power to procure you a competent number.

This, my dear Sir, is nothing that requires a written answer; if I should happen to meet with you in Boston, it may possibly be the foundation of a few moments' conversation with your respectful servant.

C. P. SUMNER.

Honorable JOSEPH STORY.

EDWARD EVERETT TO JOSEPH STORY.

The Honorable Mr. Justice Story. Cambridge, Massachusetts.

DEAR JUDGE, — I wish to call a meeting of the Phi Beta Kappa Society, about a fortnight hence, to consider the expediency of some change in the constitution.² Several friends, with whom I have con-

¹ Presumably William Smith Shaw, at that time Clerk of the District Court of the United States for this District. He graduated at Harvard College in the same class with Judge Story.

² There are numerous and extended references in the Memoirs of John Quincy Adams to the agitation at this time over the constitution of the Phi Beta Kappa

versed, think it expedient wholly to drop the affectation of secrecy & all its incidents. A change of the present name would naturally, but not necessarily, follow. One gentleman thinks the Society useless, & that it would be best to abolish it altogether; & I should be of this opinion, unless such a liberal change can be made in the terms of admission & membership as to make it a comprehensive fraternity of the children & friends of the College: on any other footing it can do the College little or no good. I wish you to have the subject in your mind, & please to inform me whether you can attend a meeting to be held Thursday, July 21st.* My idea is to meet, go to work, & adjourn *de die in diem*, till we can do some thing decisive.

I am, dear Judge, with the highest regards,

Ever yours.

CHARLESTOWN, MASS., 8 July, 1831.

E. EVERETT.

* If you cannot meet that day, please to name some other day — about that time — when you can.

Society. Under date of July 21st, he writes: "Attended a meeting of the Φ B K Society, which had been called by Edward Everett, their President, by an advertisement in the newspapers. I was surprised to find assembled at the hall of the American Academy of Arts and Sciences between fifty and sixty members." A discussion which lasted more than two hours took place, and finally, on motion of Judge Story, a committee was appointed to report at an adjourned meeting a revision of the charter and laws of the Society. The committee consisted of Judge Story, J. Q. Adams, Henry H. Fuller, Rev. Dr. Charles Lowell, Alexander H. Everett, Charles G. Loring, Loammi Baldwin, James T. Austin, and Judge Charles Jackson. "The views of Judge Story extend to a total remodelling of the Society. . . . He declared his disapprobation of all secret societies, and declared the administration of the oath illegal." On the 25th Mr. Adams "went in Boston to the hall of the American Academy, and there met the Φ B K committee, Judge Story presiding. We there discussed for four hours the report to be made to the Society." At length a committee was appointed "to report a revised constitution and code at an adjourned meeting of the committee." On the 8th of August Mr. Adams again "went to Boston, and attended the meeting of the committee of the Φ B K Society, which sat from ten till past two. Judge Story, the Chairman, had a report prepared, which was earnestly and warmly debated for four hours. . . . The report, however, was adopted, and is to be made to the Society at their adjourned meeting next Thursday." August 11th, Mr. Adams "went into Boston early this morning, and immediately attended the meeting of the Φ B K Society." On that day the Society held two sessions, and did not adjourn until after sunset. By a small majority it was voted to abolish the secrecy of the Society, and to substitute a three-fourths vote for a unanimous vote in the election of members. On the evening after Commencement Mr. Adams attended a meeting of members of the Society who were opposed to the new rule with regard to the election of members. On the 1st of September he attended the anniversary meeting, and had the satisfaction to record the passage of a motion "to restore the rule of requisite unanimity for the election of members." "A motion was then made, and carried, for a committee of nine to revise the constitution again, and report at the next anniversary." The obligation of secrecy to which nearly every one was opposed was not restored. — See *Memoirs of J. Q. Adams*, vol. viii. pp. 383-409.

Free. E. Everett, M. C. The Hon^r Mr. Justice Story. Cambridge. Massachusetts.

CHARLESTOWN, MASS., 11 Nov^r, 1831.

DEAR JUDGE, — I am much gratified at your good opinion of my address,¹ but disposed to be rather incredulous about its containing any thing of much interest new to you. I have for some time had in my mind such a sketch in some degree as that which you propose, & a portion of my New York address was prepared from materials collected for such a sketch. The historical argument for the constitutionality of the tariff & some of the facts were contained in an oration which I delivered at Lowell, on the 4th of July, 1830, but which I never printed.² Had I had any thing like seasonable notice at New York, I should have collected more of the documents prior to the constitution; but I received their invitation but two or three weeks before the day fixed for the delivery of the address.

Permit me to say, that I look forward to the publication of your lectures on Constitutional Law, to give us a text book not merely on this, but many other points of that part of our system not yet adequately explored.

I am, dear Sir, ever sincerely yours,

E. EVERETT.

HOUSE OF REPRESENTATIVES, 19 May, 1832.

DEAR JUDGE, — I send you a copy of a minority report made by me on the subject of the apportionment.³ I do not know that it adds any thing to the argument, as set forth in Mr. Webster's report; ⁴ and this I could not fairly be expected to do. The estimate of the population on which the apportionment contained in the text of the Constitution was founded, I believe I have retrieved from the source indicated in the report. The extract from Jefferson's Memoirs shews how Gen^l Washington was dragooned into the veto. That part of my report which is a reply to Gen^l Washington's message is apparently

¹ American Manufactures: an Address delivered before the American Institute of the city of New York, at their fourth Annual Fair, on the 14th of October, 1831. — See Everett's Orations and Speeches, vol. ii. pp. 69–101.

² It was first printed in 1850, in Everett's Orations and Speeches, vol. ii. pp. 47–68.

³ Mr. Everett's minority report on "the apportionment of the House of Representatives under the fifth census" was signed by himself and Joseph Vance, and was submitted in the House of Representatives May 7, 1832. It may be found in the fourth volume of the "Reports of Committees of the House of Representatives, at the First Session of the Twenty-second Congress."

⁴ Mr. Webster's report is in "Public Documents printed by order of the Senate of the United States, First Session of the Twenty-second Congress," vol. iii. doc. 119.

lame, compared with Mr. Webster's. Mr. Webster, however, is wrong in saying that the bill of 1792 gave New Hampshire a member for a minor fraction. This is not so, & the bill of 1792, which Washington rejected, did in fact resemble Mr. W's amendment precisely, as far as the first objection of Gen^l Washington goes. This being the case, that part of Mr. W's argument fails.

This was not found out by our opponents; but I, having noticed it, was much weakened in that part of my argument.

I went over the whole ground with some new illustrations in the House when the question came up, & I shall write out my speech as fully as I can, & send you a copy of it. As it is a subject you are much more competent to discuss than I, I should be glad of your opinion upon it.

Yours constantly, with the highest regard,

E. EVERETT.

CHARLESTOWN, Mass^{ts}, 27th Oct^r, 1832.

MY DEAR SIR, — Buckingham¹ stated to me last ev'g, that he had long had in readiness for the New England Magazine a print from Harding's portrait of you; that Mr. Webster had promised a biographical memoir to accompany it, but that he (B.) knowing Mr. W's numerous engagements, despaired of getting the paper from him. He begged me to undertake to do it, write it myself, & used so much urgency that I consented. I did so, presuming that Mr. W. would not regard me as an intruder, inasmuch as he must well know I had infinitely rather the work should be done by him than by me. I have dropped a line to him on the subject, & if I find he does not dislike my compliance with Buckingham's request, I would venture to ask you to write me a letter, putting down such dates, facts, & memoranda as are necessary to the work, & which it is not only not indelicate for you to furnish, but which no one but yourself can accurately know. You may rely on a discreet & confidential use being made of whatever you may be pleased to communicate to me in this way.

If it should be agreeable to you to render me this aid, I would ask you to do it at your earliest convenience, as I am to let Buckingham have the paper (if, on hearing from Mr. W., I conclude to do it all) before I start for Washington, which will be about Nov^r 20th.

I am ever, dear Judge,

Sincerely yours,

EDWARD EVERETT.

¹ Hon. Joseph T. Buckingham, the well-remembered editor of "The Boston Courier." At this time he was also editor and publisher of the too short-lived "New England Magazine."

P.S. 30 Nov.¹ After writing this I kept it back till I could hear from Mr. Webster. Enclosed you have his note to me on the subject.²

Free. E. Everett, M. C. Hon. Judge Story. Cambridge. Massachusetts.

CHARLESTOWN, MASS., 3 Nov^r, 1832.

DEAR JUDGE, — I have yours of the 1, which is just what I wanted, & I am greatly obliged to you for furnishing it to me.

In enumerating your published works, you have omitted your *Opinions*, as a member of the Court. I am sorry to say that I am not familiar enough with the Reports either of the Circuit or Supreme Courts to make the selection of those which might with propriety be designated as the most important. If you do not deem it improper to furnish me with a memorandum on this head, it would be an additional favor.

Yours with sincere attachment,

E. EVERETT.

I suppose I am at liberty to say that your lectures (Qu. "on Constitutional Law"?) are in the press.

DEAR JUDGE, — I put you to the question, — & I think by this time it must be literally the torture, — once more, and for the last time.

I have ascribed to you a report relative to a Court of Chancery in Mass., referred to in your article in the *N. A. Review*, Vol. xi.; — I have said the Old Colony charters were collected under your superintendence, & that an edition of the Statutes at Large of the U. S. has

¹ An obvious slip of the pen for October 30.

² Mr. Webster's note to Mr. Everett is as follows:

"Oct^r 29, 1832.

"MY DEAR SIR, — I am very glad you intend publishing something about the Judge. I know not when I shall get leisure for that, or any thing else. Let yr. piece appear.

"My refutation of Mr. Calhoun still rests in intent.

"Yrs.

D. WEBSTER."

The intended "refutation of Mr. Calhoun" probably refers to his theory of State Sovereignty and the right of a State to nullify the laws of Congress. It was delivered at the next session of Congress, and is printed in Mr. Webster's Works, vol. iii. pp. 449-507, under the title of "The Constitution not a Compact between Sovereign States," — the occasion of its delivery having been afforded by a speech from Mr. Calhoun on the so-called "Force Bill," February 15, 16, 1833. (See Calhoun's Works, vol. ii. pp. 197-202.) When this speech was concluded Mr. Webster rose and delivered his reply, February 16, 1833.

passed under your revision. Is all or any of this erroneous? I thank you for your letter of the 4th, containing the memorandum relative to your Opinions. Having taken counsel with Mr. Webster on that part of my sketch, I have got it so that it will do, *for the present*.¹

If, when you come to compare my little Memoir with Ticknor's

¹ In the Story Papers is the following undated memorandum, in the handwriting of Mr. Webster, addressed "Hon. Ed. Everett. Charlestown:—" —

"The Judge's opinion in

"*De Lovio vs. Boit* contains a full & complete history of the Admiralty Jurisdiction thro' many centuries of English Law. It evinces a perfect acquaintance with all that has been written on that controverted subject, & explores the ancient learning to its fountain heads.

"*Peele v. Ins^e Co.* is an instance of very elaborate discussion of important questions in the law of insurance, &c.

"The Judge's opinion in *D. College v. Woodward* is a most exact & thorough examination of an important provision in the Cons. of U. S. & in its application to a highly interesting case, &c., &c.

"D^r SIR, — If I had, or could find, *time*, I would say something more on these three cases; but it is 2 hours, ay 4, since I began this letter, & have been so often interrupted by callers that nothing is done.

"Yrs. ever.

D. W."

Another note from Mr. Webster to Mr. Everett, without date or address, is in the Story Papers. It is as follows: —

"MY D. SIR, — I will do any thing in the world for yr. art., & for the honor of the Judge, but hardly know what sort of a thing you desire. Do you wish a commendatory notice of his *opinions*? that will shew the art. written by a professional friend? It is pretty difficult to write a *general* notice, & not let it be too short, or a long notice with^t running into professional particulars. Drop me a line to my house in the course of this day, & I will to-morrow endeavor to do the needful. Let me know what sort of a creature you want. D. W."

On another page of the same sheet is the following paragraph, in Mr. Webster's handwriting, the substance of which is incorporated in Mr. Everett's memoir in nearly the same words: —

"Mr. Justice Story was appointed to a seat on the bench of the Supreme Court at age unusually early. He has now been a Judge twenty-one or twenty-two years. His circuit labors have extended over the States of Mass., N. H., R. I., & Maine. In each of these States he holds two terms a year, and although the courts may be lawfully holden by the District Judge alone, we believe Judge Story is never absent unless when his attendance is prevented by indisposition. His opinions deliv^d in the Circuit Court are contained in two volumes of Reports by Mr. Gallison & five volumes by Mr. Mason, the present Reporter. His labors in the Supreme Court are of course visible in the books containing judgments of that tribunal since 1811. We do not feel at liberty to speak particularly of the merits of these judicial opinions, any farther than to echo the general sense of the profession & of the public. That, we know, attributes to them a very high degree of excellence. It seems understood especially that in Prize law, Commercial law, & Constitutional law, the labors of the learned Judge have been more than commonly successful. His publications have been *numerous*, (here insert list), &c."

admirable Biography of Mr. Webster,¹ you should feel (as you will have reason to) some discontent, you must remember several things, — 1° That I was somewhat restricted by the limits of the Magazine; 2° That I am not competent to treat properly what should be the most prominent topic, — your professional course; & 3° That Buckingham first named the subject to me Friday, Oct. 26th, & I received your letter, furnishing me the chief part of the matter-of-fact, on the 3^d Nov^r. Buckingham required me to be ready by the 14th, & having another indispensable engagement between now & then, I have been obliged to finish & send off my memoir to-day.²

These things considered I am not ashamed, & I hope you will not have cause to be, of the article.

I remain, dear Sir, Sincerely yours,

E. EVERETT.

CHARLESTOWN, MASS^{TS}., 8th Nov., 1832.

CHARLES SUMNER TO JOSEPH STORY.

To the Honorable Mr. Justice Story, &c., &c., &c., Cambridge.

4 COURT ST., March 25th, '37.

MY DEAR JUDGE, — I have read most deliberately all the opinions of the Judges in the Warren Bridge case.³ I have studied them & pondered them, & feel unable to restrain the expression of my highest admiration of the learning, the argument, the ardour, & the style in which you have put your views. If I had not been *magnetized* by my many conversations with Mr. Greenleaf & Mr. Fletcher⁴ & by the deep interest which I was induced, from my friendly intercourse with them, to take in favor of the Warren Bridge, I should feel irresistibly carried away by the rushing current of your Opinion. Reading it with a mind already pre-engaged to the other side, I feel my faith shaken nevertheless, & cannot but say, "Thou almost persuadest *me*." The argument from the construction of the King's & also Parliamentary Grants, backed by the powerful analogies derived from the franchises of ferries & mills, is loosely & inconclusively met by the Chief Justice.⁵ As I read Taney's before I read yours I felt agreeably surprised by

¹ Mr. Ticknor's biography was in the form of an article on Mr. Webster's Speeches and Forensic Arguments, and was published in the "American Quarterly Review," vol. ix. pp. 420-457.

² Mr. Everett's "Memoir of the Public Life and Services of Mr. Justice Story" was published in the "New England Magazine," vol. iii. pp. 433-448.

³ This was the famous case of "The Charles River Bridge v. The Warren Bridge," reported in 11 Peters's Reports, 420.

⁴ Hon. Simon Greenleaf and Hon. Richard Fletcher were of counsel for the defendant corporation.

⁵ Roger B. Taney had been appointed Chief Justice in 1836.

the clearness & distinctness with which he had expressed himself, & the analysis by which he appeared to have been able to avoid the consideration of many of the topics introduced into the argument. But on reverting to his Opinion again, after a thorough study of yours, it seemed meagre indeed. Your richness of learning & argument was wanting. I thought of Wilkes' exclamation on hearing the opinions of Ld. Mansfield & his associates in his famous case, — that listening to the latter after the former, was taking hog-wash after champagne.

Your opinion is a wonderful monument of juridical learning & science, — greater by far than Ld. Nottingham's in Norfolk's case, or any in the Cholmondeley case. Indeed, I do not know where to turn for its match in all the books. Its influence in loosening my previous opinions has tended to destroy my confidence in myself, & to produce that mortification which flows from the sense of error & from a change of view. To follow & espouse truth at any risk, even of the imputation of inconsistency, is a paramount duty, & I should not hesitate to avow a change, if such had decidedly taken place. At present it will suffice for me to say that you have made a *skeptic*, even if you have not gained a *convert*.

Nobody in our country, or in the world, could have written your opinion but *yourself*, — *aut Morus, aut Diabolus*. It will stand in our books as an overtopping landmark of professional learning & science.

I am, my dear Judge, as ever,

Most affectionately yours,

CHAS. SUMNER.

To the Honorable Mr. Justice Story, &c., &c., &c. Cambridge, U. S. of America.

SHIP ALBANY, Dec. 25th, 1837.

A merry Christmas to you & all your family! This I send, my dear Judge, across the sea from the English Channel. Is there not a thrill in these last words? Here am I sailing over the grave of the Spanish Armada with the chalky cliffs of England on one side, & *la belle France* on the other, bounding over the same waves over which Cæsar, & afterwards William of Normandy passed to the conquest of England, the waves which would not stand still at the command of Canute, which have proudly borne the navies of England to so many victories, & over which the voluntary tribute of commerce has been carried by the whole world to this great country. On my left & already far behind are Scilly & Lizard, then Plymouth, Torbay, the Isle of Wight & Portsmouth, & Beachy Head before me; on my right Guernsey & Jersey, well known in smuggling annals, & the smiling province of Normandy. A rapid passage with favoring gales has brought me, a

green American, almost unexpectedly near the close of my voyage, & amidst the rich associations of European history. I cannot believe that I am where the captain — a man of science & veracity — says that I am. Is it true, then, that I am in the English Channel? The same cold & careless waters with which I have played in boyhood are beneath me; the same sky which I have ever seen is overhead. Such are they, indeed, to the external eye, but not so to the mind within. Each wave seems to have a tale of interest or of glory, & the whole heavens with their overhanging canopy seem wrought with figures of history & scenes of commerce. I imagine each moment that I shall catch a glimpse of Admiral Drake, slowly proceeding on his circuit of the globe, or Robinson Crusoe, when as a runaway apprentice he left Hull, or Nelson sweeping on to the victories of the Nile & Trafalgar. As I stood on the wet deck at midnight, or after trying to descry the Lizard light — but trying in vain — the English history seemed to stalk in spectres before me. You, however, my dear Judge, are not fond of ghost stories, & I will not venture to introduce the long array of historic personages which I beheld. In the middle of the last sentence I was called upon deck to see a sail, the first, strange to say, that we have seen since we left the coast of America. Think of the solitude of the ocean. For fifteen days all that we have seen besides our own narrow deck & its petty compliment of passengers & hands has been the sky above & the trackless, illimitable sea on which we were tossing. The sail proved to be a French whaleman as the tricolor showed, & it was an inspiring sight to put one's eyes on a new set of human beings. We tried to speak each other; but the high sea & the rate at which both ships were sailing in *opposite directions*, though strange to say apparently for the *same port*, prevented our getting any information from her. We were standing over to the English coast, in order to catch a sight of land, that we might know where we were previous to laying our course direct for Havre, while the Frenchman was driving directly for the coast of France. Again I have visited the deck to behold *land* — so the captain & mate called it — the land of merry England in Devonshire, but my imagination, active as it was, could hardly discern *terra firma* in the narrow cloud which was pointed out.

It is now about 7 o'clk. in y. evening of Christmas; allowing about 5 hours for the difference of time between this longitude & Cambridge, it will be about 2 o'clk. with you, & yr. family, with Mrs. Story in restored health, I trust, are now assembled for the happy meal. I have just left the dinner table, where I remembered all in a glass of Burgundy. To-morrow, with ordinary luck I shall be in Havre, & within a day's journey of Paris. From that splendid capital of the pleasures, fashion, vice, & civilization of the world you will again hear from me. My passage has been uncommonly pleasant for y.

season, & very rapid. Sea-sickness overcame me just as the blue line of my native country was fading from the sight, & I did not feel able to keep about for a week, but I was thankful that my time was so much shorter than I anticipated. During the first three days of the passage I could eat nothing & do nothing, but change postures on an uneasy bed, where, indeed, but slight change was possible, & think of my friends that I had left behind. How often, then did they all crowd into my confined apartment, & how often did I think of you & yours. — 29th Dec. At last in Havre, & the Old World breaks upon me, more striking & more full of interest even than my imagination had pictured.

Affect^{ly} to you & yrs.

CHAS. SUMNER.

Tell Mr. Greenleaf that he will hear from me in Paris.

To the Honorable Mr. Justice Story.

On board ALBANY, Dec. 25th, '37.

MY DEAR JUDGE, — I am now in the English Channel, & to-morrow shall enter the docks of Havre. A rapid passage of 18 days has carried me across the ocean, with less sea-sickness than I anticipated. A week of nausea & swimming of the head was my doom; but since then I have been as comfortable as one can well be in the confined quarters of a ship. It was, indeed, a melancholy moment when I caught for the last time the thread of blue which was all that remained to the sight of my native land, except the highlands of New Jersey, which stretched out to our right. Sea-sickness drove me down & confined me in my berth for several days. We are now where European history first opens upon us — in the famed English Channel.

I have written you a full & "Merry Christmas" letter of this same date, which I have directed to Cambridge; but fearing you may not have despatched all yr. causes at Washington, I shall direct this hasty *supplementary* scrawl to Washington. I can hardly believe that I am here. It seems so short a time since I left home. A voyage is after all a trifle; & I do not despair of finding you at some time ready to encounter its petty but short-lived vexations & enjoy yr. European fame. A little resolution, & it is all settled.

Dec. 29th. Contrary winds kept us in the roads of Havre for two days; but this morning we entered the docks of Havre; & here we first meet the genius of Napoleon. These docks are inscribed with his name, — *premier Consul*. And what a sight is Havre! Everything seems old & teeming with history. Not a stone but seems rich with some tradition or memory. Streets are horridly dark & dirty; houses narrow. But every thing seems invested with an interest which I have

not felt in view of any other buildings hitherto. All is *old cheese*, while our fresh buildings are little more than curdled milk. To-morrow I start for Rouen, & there wonders, indeed, will greet me. Write to me at Paris, to the care of W^m B. Draper, Esq., 20 Rue Hautville, shortly after yr. reception of this. Tell William to write also. Long before that time I shall write him. Farewell. I am in a perfect luxury of sight & reflection, & *parlez-vous* on every possible occasion.

Affectnly. as ever.

C. S.

Of course my best recoll. to all yrs.

*To the Honorable Mr. Justice Story, &c., &c., &c., Cambridge, Mass.
U. States of America.*

PARIS, Jan. 6th, '37 [1838.] (my birth-day).

MY DEAR JUDGE, — I can hardly realize that I have seen what has passed before my eyes for y. last week. At y. date of my last letter y. wonders of a small European seaport first broke upon me. Since then I have passed through one hundred & fifty miles of the country of France, — have seen one of her most ancient & renowned cities, brimful of historical interest & association, & plunged into the midst of the splendor & immensity of Paris. Much have I experienced at which I know you would laugh right heartily, — not the least of which are the *contre-temps* growing out of my ignorance of French as a spoken language. On my arriving, rather tardily, on the morning after landing at Havre, at the diligence office, I found the lumbering vehicle in which I had already retained a seat on the top on the point of starting, & the *conducteur*, on seeing me, cried out, *Montez, montez*. Accordingly I mounted as quickly as possible. The seat on the top is very inconveniently made, & is covered not unlike a chaise. My first desire was to have this covering put back, but my vocabulary of French did not extend to the expression of this wish, & there was no body who spoke English aboard. I was therefore driven to the universal language of pantomime & gesture, & at last succeeded in making *Monsieur le Conducteur* understand, who assured me in French, which I understood, that the top should be put back when they stopped to change horses; & he was as good as his word. The ice being broken I dashed right & left with my French, & drew the *conducteur* into quite a communicative vein. I was taken for an Englishman of course, & M. le Conducteur pointing out the river Seine, which was curling through the meadows within sight, said, — *La Tamise de France*. To which I at once replied, — *Je ne suis pas un Anglais, mais des Etats Unis*, preferring to sail under the colours of my own country, rather than under those of any other. The polite Frenchman pointing to the same stream again, said,

— *La Mississippi de France*. All the way from Havre to Rouen I rode on the outside; it was the last of December, & yet they were ploughing in the fields. There were no fences, except here and there a slight hedge or a thin ridge or mound of earth. The whole country was full of novelty. During the whole day which we were upon the road I was kept at the highest pitch of excitement, & when at dusk we entered the antient city of Rouen, memorable as the capital of Normandy & the scene of the cruel immolation of the Maid of Orleans, it seemed as if all the dreams of my boyhood were to be realized. The heaven-kissing spire of the old cathedral was seen from afar; but it was reserved for a nearer approach to disclose the massive proportions & the elaborate masonry of this Gothic edifice. Now have I seen the Gothic architecture, indeed, in one of its oldest & most extensive structures. And when I entered this building & saw its stained windows & the dim religious light which passed through them, its innumerable arches stretching into the distant perspective, its altars, & above all its tombs & inscriptions, then did I know that I was in Europe. Here was I walking over the dust of cardinals & archbishops & standing before the tombs of princes who lived long before the hemisphere from which I came was discovered. The stone *effigies* of Rollo marked the place where repose the bones of the first Duke of Normandy, the ancestor of William the Conqueror, & a simple inscription the place beneath which was deposited the heart of Richard *Cœur de Lion*, & the remains of the great Duke of Bedford, regent of France. Innumerable inscriptions & grand effigies were in honor of men great in Church & State. Need I tell you that my whole frame thrilled with every step & every glance of my eye? I was paid — ay fully recompensed for the expense of my journey & the imprisonment & nausea of a sea voyage. Such floods of feeling & reflection as were started in my mind made me forget all that has passed. And the whole city of Rouen was full of interest. Here were several of the celebrated old churches, whose history was marked by centuries, & also the *Palais de Justice*, an old & memorable building, & the market square in which the Maid of Orleans was burnt. It seemed as if I could spend months in this venerable place, but I hurried away after one day for Paris. I started on Sunday morning (I wonder what Mr. Greenleaf will say to that) before light, & entered Paris after dark in the evening. A paved way for forty miles marked our approach to a great city, & here new scenes & interests burst upon me. It was not antiquity now that absorbed the mind, but the vast concentration of human business & life — the innumerable carriages, the rolling masses of people, the brilliant shopwindows streaming with additional brightness, because it was Sunday. And where did I go on Sunday night after I had found my lodgings? You will start; to Frascati's, the first *hell* of Paris. By a new law the gaming houses are all abolished

on the 1st of January. I arrived on y. evening of the 31st Dec. & would not lose the few hours that remained in which to see the curious scene of human temptation which I have witnessed. I have volumes to write, & hardly moments in which to write them. I often think of yr. fireside & of Mrs. Story's health. My best love to her & all yr. family.

As ever yrs.

C. S.

JOSEPH STORY TO JOHN H. ASHMUN.

To Mr. Professor Ashmun, Cambridge.

WASHINGTON, Feby. 24, 1831.

MY DEAR SIR, — You are very kind in writing me so often, & I only regret that I am obliged to write you in return with great irregularity. In respect to the Post Office I have spoken to Mr. Everett, who has undertaken to make interest with the Postmaster-Gen^l.¹ For myself I have no acquaintance with him, & from that as well as other good reasons I should not venture to approach him on the subject of patronage. The delay has not as yet been equal to the course of things at Washington. Nothing done here is or has the air of promptitude, even in removals, so strong is the habit of procrastination. I have heard, however, that the Post^r General is indisposed, & possibly this has impeded the common current of business.

Mr. Calhoun & Mr. Crawford & Gen^l Jackson are now fairly out, & you have your choice on which side of the controversy to range yourself.² The general opinion here is among neutrals that Calhoun has completely vindicated himself. But among partizans the case goes upon party principles, according to the wishes of the party, & it is taken upon faith.

I saw in the paper of last evening's mail, that there was a report on Cambridge Common; but it was unintelligible to me what it was. The committee I perceive, however, are (as they ought to be) in their own opinion wiser than the Commissioners.³

There has been a pretty warm attack made in the Senate by Mr. Tazewell upon the Administration in regard to the Turkish Mission.⁴ He dealt about him with an unsparing hand. However, I do not augur any change of men or measures from these light perturbations. The party may quarrel among themselves, but the Administration is backed

¹ The Postmaster-General at this time was William T. Barry, of Kentucky.

² The reference is to the breach between Jackson and Calhoun and the breaking up of the Cabinet. See Schouler's History of the United States, vol. iv. pp. 31-37.

³ For an account of the protracted controversy over the enclosure of Cambridge Common, see Paige's History of Cambridge, pp. 235-238.

⁴ Hon. Littleton W. Tazewell, of Virginia, who moved to strike out from the appropriation bill the clause providing for the payment of the salary to the minister to Turkey, who, he declared, had been illegally appointed.

by the steady support of the people, who neither inquire nor care what the measures are or ought to be. It is sufficient for them that the hero avows them.

The Mass^a Legislature seem full of projects, and in truth I am getting quite old fashioned upon most subjects, being quite content to let well alone. It does not strike me that Mr. Blake's amendment was efficacious enough to be worth a trial.¹ If you cannot bring down the Legislature to a moderate number, say from 150 to 200, it does not seem to me to be of any great importance to slice off some fifty or sixty. I am more concerned to know what you are to do on Everett's resolutions,² not because they involve much practical importance, but because they will show the principles of the State, & the extent of the devotion to "the powers that be."

We are not yet at the Charlestown Bridge cause, though it has been staring us in the face for a week past. I think it will be reached next week, & then comes the tug of war. We have already a deputation from Charlestown to take care of the Court & report progress, and the address of Mr Morton's³ constituents has taken some pains to prevent our falling into great errors without all proper admonitions. I want no better gauge of the *man* than that as a Judge he is willing to be the candidate of such people with such avowed opinions.

I am most truly & affectionately yours.

JOSEPH STORY.

Mr. Professor ASHMUN.

P. S. Your letter of the 19th came by mail after the foregoing was written. I have read the Cambridge Common Report. I marvel much at the measure proposed; but the Committee have given no reasons, except that they are infallible.

JOSEPH STORY TO JAMES J. WILKINSON.

CAMBRIDGE, near BOSTON, U. STATES OF AMERICA, May 27, 1833.

DEAR SIR, — This letter will be handed to you by Mr. George Frederick Simmons,⁴ a young gentleman of a liberal education & a grad-

¹ Various propositions were before the Legislature for the amendment of the Constitution, but most of them failed of adoption. Mr. Blake's amendment related to the election of Representatives, and was indefinitely postponed.

² Resolutions moved in the Senate by Alexander H. Everett relative to the proceedings of the State of Georgia in regard to the Indians. The resolutions passed both branches by large majorities.

³ Marcus Morton was at this time one of the Justices of the Supreme Court of Massachusetts. He was repeatedly the Democratic candidate for Governor of Massachusetts.

⁴ Rev. George F. Simmons was born in Boston, March 24, 1814, educated at the Boston Latin School and Harvard College, where he graduated with high

uate of the University in this place. I can commend him to your notice as a gentleman of high talents & attainments & of irreproachable excellence of character. He is ultimately destined for the ministry, but in his visit to England he is anxious to avail himself of the opportunity of seeing all the courts at Westminster. On this account I have ventured to address this letter to you, asking you if you can to afford an opportunity of admission of him to the courts, so that he may best profit by what he shall be enabled to see of them. I hope you will not deem this an obtrusive request, as Americans are accustomed to hold the profession & the bench in high veneration & respect.

I have committed to Mr. Simmons's care a volume of Commentaries on the Constitution of the U. States which I have recently published, & which is now used as a text book in the University in this place. It purports to be an abridgment of a larger work in 3 volumes, which I published about two months since; but it is in reality a *selection* almost without alteration of the most important parts of the larger work without the accompanying illustrations & notes. However interesting these illustrations & notes may be to an American reader, I could hardly hope that they would attract any attention from an English gentleman. I have therefore sent you the shorter work, in the hope that you will do me the favour to accept it as a mark of my great respect. Your Radicals, I believe, will find little in it calculated to aid their extravagant projects.

I am now engaged in a professional work of much importance, & have some confidence that in the course of a year I may be able to lay it before the public. I shall send you a copy whenever it is issued from the press.

I have the honour to remain, with the highest respect,
Your obliged servant.

JAMES J. WILKINSON, Esq.

JOSEPH STORY.

CAMBRIDGE, near BOSTON, U. STATES OF AMERICA.
August 26, 1834.

MY DEAR SIR, — My friend Benjamin Rand, Esq., of Boston will hand you this letter, & I beg the favour of introducing him to your acquaintance. He is a gentleman of high distinction in our profession, full of the best learning of the law, & ardent & untiring in the cultivation of it as a science, as well as a practical pursuit. There is not

rank in 1832, not long afterward went to Europe, on his return studied theology at the Divinity School in Cambridge, and was ordained to the ministry in 1838. He was successively settled at Mobile, Waltham, Springfield, Mass., and Albany. In 1845 he was married to Mary Emerson, daughter of Rev. Samuel Ripley, of Waltham. He died at Concord, Mass., of consumption Sept. 5, 1855. — See Palmer's Necrology of the Alumni of Harvard College, pp. 97, 98.

probably to be found in America (& probably rarely with you) any lawyer possessing so copious, so excellent, & complete a juridical library, it being almost perfect in the common law & very rich in foreign jurisprudence. Mr. Rand is one of those who studies what he owns, & reads books with a living relish, & an enlarged philosophy. His visit to England is partly for health, & partly upon professional business. And I am most anxious that during his stay he should have an opportunity of seeing, & as far as a stranger may, of intimately understanding the structure & practice of all your Courts. In America, you well know, that lawyers, especially those who attain extensive practice, are "men of all work," & are required to understand Equity & Admiralty Law, as well as the Common Law. And with Mr. Rand's zeal & curiosity nothing that concerns any of the courts exercising any branch of jurisdiction will be without interest and instruction. I must beg you therefore, as far as you can without inconvenience to enable him to have an entrée into all the courts that he may there see in person what he has been accustomed so much to admire at a distance.¹

It is almost needless for me to add that Mr. Rand enjoys a very high reputation for integrity & elevated principles.

I have the honour to remain, with the highest respect,

Yours most truly;

JOSEPH STORY.

JAMES JOHN WILKINSON, Esq.
&c. &c. &c.

*To James John Wilkinson, Esq., Temple. London. Care of Messrs.
Kermett & Co., Booksellers, No. 14 York Street, Covent Garden. London.*

CAMBRIDGE, Decr. 29, 1835.

MY DEAR SIR,—I was greatly gratified by the letters which you were so good as to send me by Mr. Rand on his return from Europe. He was greatly gratified by his visit to England & the hospitality he

¹ Benjamin Rand was born in Weston, April 18, 1785, graduated at Harvard College in 1808, received the degree of LL.D. in 1846, and died in Boston, April 26, 1852, retaining to the last the great reputation for knowledge of the law and professional ability which Judge Story ascribed to him. In the resolutions of the Suffolk Bar, which were drawn up by our late associate George S. Hillard, it is said: "That the massive and redundant learning of Mr. Rand, wherein he had no superiors and few equals, was less to be commended than the manly and moral worth which waited upon his daily professional life, than that love of truth, that intolerant scorn of meanness, and that generous disdain of unfair advantages and opportunities, which were leading traits in his character, sometimes expressed more fervidly and uncompromisingly than a cold self-interest would prompt." Mr. Rand is a striking illustration of the truth of the saying that nothing is so transitory as the reputation of a great lawyer.

received there; & his admiration of your country & of its legal institutions is openly expressed, & well received at home. He seems to have even a more ardent love of the law than when he first left us; & I persuade himself that he will greatly benefit us all by his increased devotion to it. By him I received the 1st & 2^d part of the 2^d volume of Chitty's Practice, Sheppard (Doddredge) on Actions, & your father's work on the Chancery Practice of the County Palatine of Durham. The latter, most truly honorable to the reputation of the author, is peculiarly valuable to me as it exhibits the general practice & principles in a simple form, & better adapted to our American course of practice. I am thankful for this & the other volumes, all of which are a valuable addition to my library. The other volumes, viz. Harrison's Digest (the new edition) & his Landlord & Tenant (of which you speak as being sent) have never reached me, & were probably omitted by your bookseller.

The two MS. volumes of Reports I have according to your directions placed in the Law Library of Harvard University, & I have written in them a suitable mem^o of the giver & the gift. Herewith you will receive an acknowledgement from my brother Professor,¹ a most excellent man & a most excellent lawyer. I have thought that you might like to have a copy of our Law Catalogue, & therefore send it to you.

I should have written you long ago, but I have been waiting for a volume of my "Commentaries on Equity Jurisprudence" to be out of the press. But the printer's delays have been more than the "law's delays" in older times. The work is not yet quite completed. But the Index is printing, & the work will be published in the course of the next month. I shall proceed next week to Washington to attend the annual session of the Supreme Court of the U. States. But I shall make arrangements to have a copy of the work sent to you as soon as it is published.

During the last summer Mr. Chief Justice Marshall of the Sup. Ct. died. This event was a great public loss; but to me personally, who had enjoyed his friendship for twenty-four years, it is an irreparable loss. I send you a copy of a Discourse which I delivered before the Suffolk (Boston) Bar on occasion of his death.

A volume containing my miscellaneous writings has been published lately upon the suggestion of my booksellers. I beg your acceptance of the accompanying copy, as a small contribution to the common literature of the law, or at least of lawyers.

I have seen two numbers of the new Reports of Messrs. Woolaston, Harrison & others. I think it a very valuable publication, & entitled from its condensed form & early publication to professional

¹ Mr. Ashmun died in 1833, and Simon Greenleaf was at this time the Royall Professor in the Law School.

favour. Why are the succeeding numbers unpublished? Does the project encounter opposition?

I perceive from the late Reports that your new Rules of Pleading create some embarrassments in practice. However these will soon disappear. I am not yet quite sure whether you have gained anything by discontinuing the general issue (in its old form) & reviving special pleading. But on this subject I am content to wait events. Nous verrons.

Believe me, dear Sir, most truly & faithfully,

Your obliged friend & servt.

JOSEPH STORY.

JAMES JOHN WILKINSON, Esq., &c.

To James John Wilkinson, Esq., of the Temple, London.

CAMBRIDGE, near BOSTON, Decr. 26, 1836.

DEAR SIR, — I have now the pleasure of asking your acceptance of the 2^d volume of my work on Equity Jurisprudence. I hope it may not be without use to the younger members of the profession, as well as to students. I shall probably follow it up by a separate work on the principles of Equity Pleading & Practice.

While in England your Courts have by the new rules given a new vigour to Special Pleading, we in Massachusetts have by a recent statute positively abolished it, & substituted the general issue in all cases. I confess myself opposed to this change & deem your present system far preferable to ours, as to certainty & convenience & saving of expense. I think our recent enactment grew out of a restless love of innovation, combined with a desire in some members of the profession to find an apology for their indolence or want of skill. How it will work remains to be shewn.

A commission has been appointed by the State of Massachusetts to report to the Legislature on the practicability & expediency of codifying the Common Law, or *any part thereof*. Much against my will I was placed at the head of the commission. We shall report favourably to the codification of some branches of the Common Law, & particularly some branches of the Commercial Law. But the report will be very qualified & limited in its objects. We have not yet become votaries to the notions of Jeremy Bentham. But the present state of popular opinion here makes it necessary to do something on the subject. When the report is printed I shall take an opportunity to send you a copy.

Believe me most truly & respectfully,

Your obliged friend & servant.

J. J. WILKINSON, Esq.

JOSEPH STORY.

To John James Wilkinson, Esq., No. 1 Pump Court, Temple. London.

CAMBRIDGE, Decr. 30, 1841.

MY DEAR SIR, — I had the pleasure a few days ago of receiving your letter by Dr. Cowan, for which I greatly thank you. His stay is short & my annual journey to Washington to attend the Supreme Court so near that I have not been able to shew him the civilities which otherwise I would gladly have done. I am glad that you are engaged in a work on the title & transfers, &c., of ships, & hearing from Mr. Sumner that your copy of my edition of Abbott on Shipping had been mislaid, I desired him to send to you a copy of Abbott as a present from me, of which I ask your acceptance.

I hope you will have before this reaches you received the copy of my recent work on Partnership, which I requested Mr. Maxwell the law bookseller, No. 32 Bell Yard, Lincoln's Inn, to present you in my name. It cost me considerable labour under a pressure of ill health, from which I am now, as I believe *surely* though *slowly* recovering.

I hope that your new system of Equity Courts will work well, for that is the test by which I desire to try all the "so-called" law improvements in our day. It is impossible for me at this distance to be able properly to judge of the value & practical utility of the new system. But I must say that a system of independent, rival courts, with an appellate court composed of all the judges of these courts has always struck me as the truest & best — not to say as the only complete system to accomplish all the objects. A Lord Chancellor to revise all the decisions of *four* courts, quite as likely as not to be composed of as able judges as himself, & with an appeal in effect to himself in the House of Lords, strikes me as no very favourable circumstance for the uniformity or enlargement of the science. It is more than the shoulders of any one man can bear in the present state of Equity Jurisprudence. However, I am content upon this to wait events, & to judge by the practical working of the system.

In one of your late letters you were kind enough to suggest whether you could aid me in England in getting any of the works quoted in the "Conflict of Laws" which I do not now possess. All of them are now possessed by me, with one or two exceptions which are in the College Law Library, except the work of "Alexander ab Alexandro." I have sent for all his works, but have been able to obtain only his work "Dies Geniales," in 2 volumes 8vo; & there I have not found the passages referred to. Perhaps the citation is a mere misprint; & there may not have been any other large collection of his writings. I believe that I have seen & verified by examination in the original author every other citation in the 2^d edition of the Conflict of Laws.

Believe me with the highest respect,

Ever most truly,

JAMES J. WILKINSON, Esq.

JOSEPH STORY.

CAMBRIDGE, near BOSTON, July 27, 1843.

MY DEAR SIR, — I owe you many thanks for your kind present of your new book on the Law of Shipping. It seems to me very thorough & exact, & in all respects worthy of your pen. I have read it with very sincere satisfaction & no little instruction. Some matters respecting the statute law of England as well as of the common law, which lay loosely in my mind before, you have made very clear & intelligible. Although the work is professedly addressed to English readers, I can assure you that there is much in it very applicable to the Law of Shipping in America, & which will be hailed here as a real accession to our present stores of learning. There are one or two topics of a general nature discussed in it, upon which I have entertained for a long time doubts whether the decisions are perfectly right. One is the question, when the right of property vested in a ship in building, which is to be paid for by instalments as the work advances. Upon this subject I am not entirely satisfied with the reasoning in *Wood v. Russell & Clarke v. Spencer*. The former case seems supportable upon its own particular circumstances; but not as I should incline to say upon its preferred grounds of reasoning. The opinion of Mr. Justice Williams in the latter case is very able, & puts the true doctrine before us in a satisfactory manner. But I confess to you upon his very reasoning I should have arrived at an opposite result as to the judgment in that case. Mr. Baron Parke in *Laidlaw v. Burlinson* puts the doctrine as I should desire to put it; but do the two former cases come truly within it?

The other point is as to the representations of the state & condition of the ship made to induce the purchaser to buy, but not afterwards embodied in the written agreement or bill of sale. I should put it as a matter of intention, — whether the representation constituted the basis of the purchase or was designed to be merged or waived in the subsequent agreement. If the former, why should not the seller be bound by his representation, whether it was fraudulently made or not? If the latter, then undoubtedly the purchaser buys at his peril. I confess myself of the same opinion as Lord Tenterden on this point, "That a person ought either to be silent, or to speak the truth; in case he speaks at all, he is bound to disclose the real facts." I add, — If his representation misleads the other party, the seller ought to be the sufferer, if it is untrue. Has not the doctrine that all representations are merged in the subsequent written agreement or bill of sale been carried too far?

You perceive that I write to you as a friend & author, & am not speaking judicially, & no one better than yourself knows that I may feel bound by authority, when I am not convinced by its reasoning.

I have received Mr. Tidd's most kind & flattering letter, & also his

present of his works.¹ Nothing could have been more welcome to me in all respects. I equally venerate the author & his works. And although I have not been his pupil, as you were, I have been instructed by his learning through the whole course of my life. I have addressed a letter to him, & shall ask his acceptance of my "Miscellaneous Writings" in a single volume, as a reminiscence of my deep respect for him.

Believe me with the highest respect,

Truly yours,

JAMES J. WILKINSON Esq.

JOSEPH STORY.

I exceedingly like your dedication to Lord Ch. Justice Tindal. It is valuable for its truth, as well as its beauty.

Rev. MORTON DEXTER, having been called on to give some account of the commemoration of the founding of the University of Glasgow, at which he was the representative of the Society, spoke extemporaneously as follows:—

Mr. President, and Gentlemen, — When I reached Glasgow last June, to attend the four hundred and fiftieth anniversary of the foundation of the University, I appreciated even more than before the privilege which you had conferred upon me in inviting me to represent this Society. It is seldom that any occasion assembles so large a number of men of world-wide reputation in their various departments of learning as those who gathered there.

The celebration was opened on Wednesday, June 12, by a solemn religious service of commemoration in Glasgow Cathedral, Rev. Dr. McAdam Muir preaching an historical sermon. In the afternoon of the same day was held what perhaps was the most picturesque and striking of all the meetings, the reception of the hundreds of delegates and their congratulations. Although the ceremonies were simple, to me they were most impressive, and you may like to hear about them a little in detail. Early in the afternoon we were called together in one of the smaller halls of the University, and there we were drawn up in national groups. In the group representing the United States there were about forty. We were mar-

¹ William Tidd, born in London in 1760, died in 1847, was a very eminent and influential writer on legal topics. Among his pupils were Lord Chancellors Lyndhurst, Cottenham, and Campbell and Lord Chief Justice Denman. — See Dictionary of National Biography, vol. lvi. p. 382.

shalled in a definite order, and each group was in charge of an usher with robe and wand of office.

When this classification had been completed, these groups were led successively into Bute Hall, the great auditorium of the University, which was crowded by a waiting audience. As our group entered, the audience rose and cheered us and the organ played one of our national hymns, "Columbia, the Gem of the Ocean," a large chorus of students also singing the same hymn with much spirit while we marched to our seats. A similar reception was given to each of the other groups.

When at length all had been conducted to their places, and after brief opening exercises, the Vice-Chancellor of the University, Dr. Story, — the Chancellor being absent because of illness, — delivered an appropriate address of welcome to the delegates and of thanks for the congratulations about to be offered, and then occurred the formal reception. As each nation in turn was called upon, its particular body of delegates was led up to the platform, the audience again rising and the organ and chorus again rendering its national hymn. Then the roll of the institutions within that country represented by the different individuals was called, and each delegate upon the announcement of his name advanced and bowed to the Vice-Chancellor, uttered a few sentences of felicitation, handed up his parchment or volume containing the same felicitations more fully and formally expressed, bowed again, and passed to the other side. When all had thus presented themselves, they were marshalled back to their seats and the next nation in order was summoned.

This ceremony, simple although it was, was exceedingly impressive, and it had the merit of informing the audience clearly what university or society was being called upon and who its representative was. Moreover the scene itself was memorable for its brilliancy. Most of the delegates wore robes, and many of these were very picturesque. Those of some of the Frenchmen, for instance, were of bright yellow silk. Others were red, purple, blue, or green. The diversified academic hoods which abounded and the military or naval uniforms scattered through the audience also added patches of vivid color in all directions. No description can convey more than a faint impression of the scene.

One of the other important gatherings was an immense evening reception, for which the whole university was thrown open, and which more than four thousand persons attended. Another was the meeting at which an actual shower of honorary degrees fell upon the University's guests. And to many of us the banquet given in the City Chambers, or Guildhall, by the Lord Provost and the Corporation, was in interest the supreme event of the celebration. The chief speakers were such men as Rt. Hon. J. A. Campbell, the Marquis of Dufferin and Ava, Lord Reay, the Earl of Glasgow, Lord Kelvin, Prof. Sir Richard Jebb, Count Goblet d'Alviella, General Sir Archibald Hunter, and Lord Strathcona. One rarely sees such an assemblage of distinguished men from many lands touching elbows around the tables. Throughout the week also there were concerts, receptions, garden-parties, and other minor festivities too numerous to be mentioned, as well as several learned addresses by such men as Lord Lister and Lord Kelvin. The University also took the opportunity to open its new botanical buildings with special ceremonies.

I did not receive any pronounced impression of the great age of the University. Its buildings are dignified and even stately, but comparatively modern, and nothing suggests to the eye the fact of its hoary antiquity. But I did appreciate its spirit of intense earnestness and energy, and its desire to be equal to all the demands of what we call the "new" education. It is claimed to have been the first institution in Great Britain, if not in the world, to establish a school and a professorship of engineering, and the first to provide itself with chemical laboratories where students might experiment. But within the last fifteen or twenty years it has been outstripped by other institutions in Great Britain, Germany, and especially the United States, and it is facing the problems of the present and the future with some real concern. I heard frequent allusions to its comparative poverty, much in the same vein as that in which the officials of so many of our own colleges or universities often speak.

In regard to Mr. Andrew Carnegie's recent gift to the Scotch universities, there seemed to be a decided difference of opinion. So prominent a man as Vice-Chancellor Story — who is as positive and outspoken as he is eminent — expressed himself strongly as regretting the gift, and fearing that it may tend to

diminish the enthusiasm for learning of the Scotch student, and to render him less earnest and self-sacrificing. But most of those who made allusion to the matter evidently had no such fear, and believe that Mr. Carnegie's beneficence will have only useful results.

I would like to add a concluding remark about an incidental matter, which nevertheless has its importance. When the reception of delegates and the presentation of congratulatory addresses were about to be held, I discovered that most of the others were provided with elaborate documents handsomely inscribed upon parchment, and in some instances with elegant and costly volumes. The only provision for this occasion with which I had been furnished — such is our democratic simplicity of method — was a half-sheet of letter-paper bearing the heading of the Society and eight or ten typewritten lines officially signed. Had there been time, I should have assumed the responsibility of providing myself with a more suitable document, but it was too late. Although matters fell out, fortunately, so that my lack did not become conspicuous or even evident, I could not help feeling that, in view of the dignity and influence of our Society, pains should be taken hereafter to have its credentials and communications upon such important occasions clothed in a more becoming form.

Hon. WINSLOW WARREN, who returned from Europe in the same steamship with the President and Mr. Dexter, having also been called on, said : —

I assume, Mr. President, that I am asked to speak of the feeling in England towards this country largely in consequence of our discussions upon the subject while upon our trip home, and from your knowledge that I hold an entirely different view of the subject from that which you have so ably and elaborately stated in the interesting paper just read. It may be that your more extensive acquaintance in English official circles has somewhat colored your view of the matter, and that my two months' travelling in England and Scotland has brought me more in contact with those whom Lincoln termed "the plain people," and enabled me better to get at the real sentiment of England. During my travels I made it a special

point to converse with people upon the cars, at the inns and stations, and wherever I could reach them, and I invariably found them courteous and affable, and with a most friendly feeling towards America and Americans. Of course, there were many jocosse remarks about our ambition to buy everything, and our pride in the size of our country and of its purses, and there was more or less anxiety as to their own ability to compete with us in business, coupled with the pertinent suggestion that there was danger ahead for us if the time came when England's inability to purchase deprived us in some measure of our best customer, but the tone of the discussion was never bitter, and there was not wanting a certain pride that a people whom they regarded as of their own stock had displayed such a marvellous capacity, and had grown to be so important an element in controlling the destiny of the world. It seems to me hardly worth while to "hark back" to the time of the Civil War — if then the feeling in England was in the higher circles unfriendly to us it was no more so than the feeling in our country towards them. If their papers were severe and arrogant it would not have been difficult to match it in our own press. But times have changed since then; the America of to-day is broader and less provincial than forty years ago, and the same is true of England. The growth of democracy in Europe and the spread of the democratic spirit has brought to England a better knowledge of democracy, while community of business interests, the telegraph, more frequent communication, and the constant intermarriages between the people of the two countries have drawn them together and taught each better to understand and appreciate the other. However that may be, I am convinced that the feeling of friendship to-day is deep and strong in England, and based upon no sordid notion of advantages to be derived from it, and least of all upon any thought that it would be well to stand in with a great power like the United States. Of course the rulers of England have to consider policy, as do the rulers of every other nation, and we may assume that there is more or less of expediency in their effusive friendship, but that is not what moves the great masses, nor has it brought about the remarkable change of tone so evident.

You have spoken of the impressive services at Westminster Abbey and St. Paul's upon the day of President McKinley's

funeral, and the general manifestation of grief. Possibly there may have been something perfunctory in them as official services, but that does not at all account for the crowds of mourners and the display of real sympathy in every quarter. Trifles sometimes show the drift of a people's thought, and perhaps a little incident a friend witnessed tells more than imposing pageants. A lady on the way that day to Westminster Abbey told me she met in a side street a boys' procession carrying a flag made of one-half of the English flag and one-half of the American sewed together. Upon asking what they were doing, a small boy said: "Have n't you heard that President McKinley is dead; he was next to the Queen."

Somewhat similar was my own experience. I was in the city of York the day that the President became seriously ill, and the first I knew of it was when a woman keeping a small shop, asked, with tears in her eyes, of a lady of my party, if she was an American, and if she had seen the sad news in the papers. Going on to Durham before another paper had been issued my first knowledge of the fatal termination was when a young English girl called to her mother upon the stage on its way to the station, in the saddest of tones, that the flags were at half-mast and the President was dead.

That Saturday night I was at Edinburgh; everywhere were signs of mourning. Attending the very early military service on Sunday for the famous Black Watch regiment, in St. Giles' Cathedral, the clergyman prayed most feelingly for America, and the audience, accompanied by the military band, joined in singing "Onward, Christian Soldiers," and the service was concluded by the "Dead March from Saul."

This was too sudden and spontaneous to be anything but a genuine expression of real sympathy and sorrow. Upon the following Thursday I attended the special service also in St. Giles' Cathedral, and I question whether any of the imposing services at St. Paul's or elsewhere could have been more sadly impressive. The simple Presbyterian service, the ancient church with its severe Gothic architecture, the presence again of the military, the dignified procession of the Lord Provost, magistrates, judges, and clergy, the crowds awaiting the opening of the doors, comprising many Americans but more Scotch, all contributed to the solemn effect; and when, after the rendering of Chopin's "Funeral March," the

old clergyman, in his prayer for America in her affliction, in tremulous tones alluded to the loneliness of the widow, many eyes were wet with tears besides those of Americans present, and the service was concluded by the pipers of the city playing upon the bagpipes, with weird effect, "The Flowers of the Forest," as the military and officials marched out. One who questions the meaning of this display of feeling, it seems to me, shuts his eyes to one of the most friendly and sympathetic demonstrations I have ever had the fortune to witness. I mention this merely as one of the services held throughout the land, in small towns as well as cities, where the people met together in their churches under no official call, and prompted, I believe, by no feelings except those of national good will and brotherhood.

I may be wrong in my estimate of the change of sentiment in England, but I cannot see in it the lower motives suggested in the paper just read. I do not believe that England fears America in the least, or has the smallest anxiety about allies in case of trouble; on the contrary, her confident self-reliance was to me her most striking trait. The Englishman believes in England's might — he has but little fear as to the future so far as relates to the integrity and safety of his country — he believes he can and will settle the Transvaal, the Irish, and other questions in his own way. If he seeks our friendship and has assumed a different attitude from formerly, I am satisfied it is a real change of heart, because he feels that we have shown ourselves worthy of the friendship of a great nation, and if the people of America do not welcome this attitude and respond in a cordial way, accepting it as sincere and genuine, I cannot help feeling that they show themselves in an unworthy and unfortunate light.

HON. GEORGE F. HOAR said: —

The author of the paper read just now speaks of what might have been the course of history if some single important transactions had gone otherwise than they did.

When he was speaking, it occurred to me that the Society might be interested in some facts which I stated a few days ago to a club in Worcester of which I am a member, known as the Worcester Fire Society, of the relation of persons,

members of that Society or closely connected with it, to some very important figures in our political history, who were all of them members of this Society.

The Club of which I spoke was founded more than one hundred years ago, for the purpose of assisting each other at fires. It was before the day of fire-engines operated by steam or by human power. But it has long since become a mere social club.

There was a vacancy in the office of Judge of the Supreme Court of the United States, caused by the death of Mr. Justice William Cushing, of Massachusetts, September 13, 1810. He had been, as is well known, nominated by Washington in 1796 to be Chief Justice of the Supreme Court of the United States, but declined the office. When Judge Cushing died, Mr. Madison was President.

The office was offered to Levi Lincoln, of Worcester. It was not merely that he was "talked of" for the office, as people sometimes say, but he was actually appointed and commissioned. A letter from Mr. Smith, the Secretary of State, enclosing his commission, is among the Lincoln papers in possession of this Society.

DEPARTMENT OF STATE, January 10, 1811.

SIR, — The President of the United States being desirous of availing the public of your services as an associate Justice of the Supreme Court of the U. States, I have the pleasure to enclose your Commission, and am, Sir,

With great respect,

Your most ob. set.

LEVI LINCOLN, Esqr.

R. SMITH.

In the same collection will be found a letter from Cæsar A. Rodney, of Delaware, a very eminent Southern Senator, which says Mr. Jefferson earnestly desired this appointment.

WILMINGTON, Jan. 7th, 1811.

MY DEAR SIR, — I sincerely rejoice that you have been appointed to succeed judge Cushing. As soon as I heard of his decease, I wrote to the President in your favor. In a few days after, I received a letter from that truly great and good man, M^r Jefferson, strongly recommending you for the vacant seat on the bench ; & soliciting my interference on the subject. My reply was that I had anticipated his wishes. I trust you will not decline the situation, but promptly accept of it. In these times an honest & enlightened man, and an able & upright lawyer, will be a great acquisition. The law, like the providence of God,

should watch with an equal & impartial eye over all. This I am sure would be the rule of your conduct.

Yours very sincerely & truly,

C. A. RODNEY.

There is also a letter from Mr. Madison, urging Mr. Lincoln to take the office.

WASHINGTON, Oct. 20, 1810.

DEAR SIR, — I have read your favor on the subject of a successor to Judge Cushing. I feel all the importance of filling the vacancy, with a character particularly acceptable to the Northern portion of our Country, and as generally so as possible to the whole of it. With these views, I had turned my thoughts & hopes to the addition of your learning, principles, and weight, to a Department which has so much influence on the course and success of our political system. I cannot allow myself to despond of this solid advantage to the public. I am not unaware of the infirmity which is said to afflict your eyes; but these are not the organs most employed in the functions of a Judge; & I would willingly trust that the malady which did not unfit you for your late high & important station, may not be such as to induce a refusal of services which your patriotism will, I am sure, be disposed to yield. If your mind should have taken an adverse turn on this subject, I pray that you will give it a serious reconsideration; under an assurance that besides the general sentiment which would be gratified by a favorable decision, there is nothing which many of your particular friends have more at heart, as important to the public welfare. As there are obvious reasons for postponing the appointment till the meeting of the Senate, you will have time to allow due weight to the considerations on which this appeal is founded; and it will afford me peculiar pleasure to learn that it has found you not inflexible to its object. Accept, Dear Sir, assurances of my high esteem & friendly respects

JAMES MADISON.

L. LINCOLN, Esqr.

Mr. Lincoln had suffered for many years, and did till his death in 1820, from a serious infirmity of the eyes. It will be seen that Mr. Madison urges him to undertake the duties of Judge, notwithstanding this infirmity, and thinks he will be able to get along as well as he had got along in the office of Attorney-General.

Mr. Lincoln was, probably, Mr. Jefferson's most intimate friend, and possessed his confidence more perfectly than any other man. There was at one time among the Lincoln papers a letter, which I suppose has been very properly destroyed,

which showed that this confidence and intimacy extended to the most delicate and secret matters.

He was Attorney-General under Mr. Jefferson from 1801 to 1805; Lieutenant Governor of Massachusetts from 1807 to 1809, and acting Governor in 1809; a member of Congress from 1799 to 1801. He was a political leader of the party known as Republican, but more lately termed Jeffersonian Democrats, and organized the political movements which wrested from the Federal Party the power in New England before and during Mr. Jefferson's Presidency.

He argued for the negro the famous case in which it was decided that slavery was abolished in Massachusetts by the operation of the Constitution, in 1780.

There can be no doubt that if he had accepted the seat upon the Bench, he would have been a thorn in the flesh of Marshall. He doubtless shared to its full extent Mr. Jefferson's dislike of the great Chief Justice. The case of *Dartmouth College v. Woodward* was decided in 1819. There was in fact but one dissent, but any person who reads Shirley's book on the history of that case will be inclined to believe that without Judge Story *Dartmouth College v. Woodward* would not have been decided as it was.

Mr. Lincoln lived to 1820. If he had accepted the place, it is likely that the great judicial fame of Judge Story would be lacking from American jurisprudence. Judge Story would probably have devoted himself to professional or political life. At any rate, he would not have been appointed to the Bench before 1820.

Mr. Lincoln, I believe, was not himself a member of the little club in Worcester of which I spoke. But two of his sons, a near relative of his name, and his grandson of his name were all members of it, and there sat at the table last week three of his direct descendants.

More interesting and important is the relation to Mr. Webster's seat in the Senate of the second Levi Lincoln, son of him of whom I have just spoken, formerly a member of this Society and a member of the little Worcester club that has been referred to, Governor of Massachusetts, Judge of the Supreme Court of Massachusetts, and Member of the National House of Representatives.

The term of Elijah H. Mills, Senator of the United States,

expired March 3, 1827. The Legislature at that time had two sessions, one beginning in December, the other the last Wednesday in May. At the December session in 1826 there were several unsuccessful attempts to elect a senator. The Senate elected John Mills, of Springfield. The House elected Elijah H. Mills, of Northampton, then incumbent of the office. These gentlemen, though of the same name, I believe were not related to each other.

At that time the law providing for the meeting of the two Houses and the election by joint ballot, in case of failure of the attempt to concur in a separate election, did not exist. So there could be no choice until the Houses of the Legislature, acting separately, had elected the same man. Thereafter the Senate elected Mr. James T. Austin, who declined. The Senate then chose Levi Lincoln, then Governor, and communicated this action to the House. Governor Lincoln had been the supporter of Jefferson like his father before him, and was known as what was then called a Republican. The Federalists, who had found their power fast passing away from them, had at their convention nominated Mr. Lincoln, though one of their political opponents.

Mr. Lincoln speaks of himself, as late as 1830, "as a Republican — Ay, as an old-fashioned Jeffersonian Republican, too."

The Republicans, or Jeffersonian Democrats, held their convention a little later, and also nominated Mr. Lincoln. He was understood to be a man of great executive ability, unquestioned integrity, and quite conservative in his opinions in regard to the political questions of the time. He was elected Governor with the support of both parties.

The Senate elected Mr. Lincoln to the office of Senator of the United States. He sent the following letter, February 14, 1827, to the Speaker of the House : —

Boston, February 14, 1827.

TO THE HONORABLE SPEAKER OF THE HOUSE OF REPRESENTATIVES :

I have observed in the Journals of the proceedings of the General Court, yesterday, that I am honored by an election, on the part of the highest Branch of the Legislature, to the office of Senator of the United States, after the 3d. of March next, and that this vote of the Honorable Senate has been communicated to the Honorable the House of Representatives, for their concurrence. Deeply penetrated with a sense of gratitude and of obligation for this expression of unmerited regard and confidence, and for the support and favor by which I have

been elevated to, and hitherto sustained in offices of public trust, by my Fellow Citizens of this Commonwealth, and by their Representatives, in association with me, at different times, in the Administration of the Government, I can never fail to yield the highest deference to their opinions, and a most respectful submission to their will. But unforeseen and peculiar circumstances have placed me in an embarrassing and most delicate situation in relation to the present canvass. Partial and cordial Friends have not been wanting from the first, to propose to me to be a candidate for the suffrage of the Honorable Legislature. Imperative considerations of personal and relative duty have constrained me informally to decline their support, and I have trusted that it was well understood to be my sincere and earnest desire to avoid a competition with those honorable and qualified men, who have been also named for the office. All these considerations, with a strong regard to what is due to consistency of character, — a character the more valuable to myself as in any degree justifying the distinctions with which I have been honored by others, press upon me, at this time, with undiminished force. The vote of the Honorable Senate having now publicly placed me before the House of Representatives as their candidate for the office of Senator, I have to beg *their* indulgence in being permitted, *unreservedly*, but most respectfully, to decline their suffrages, and your Kindness in offering to them this communication.

LEVI LINCOLN.

It seems highly probable that Mr. Lincoln, before his election as Governor, had expressed to his supporters, or some of them, his purpose not to be a candidate for Senator. It does not seem likely that otherwise he would have declined an election which it seems certain under existing political conditions the Legislature would have made. He was fond of public life, for which he was peculiarly well fitted. It is well known that when Governor John Davis was afterward elected Senator, Mr. Lincoln was disappointed, and thought Mr. Davis had used the advantage of his situation as Governor improperly to promote his own election. There was some estrangement between these two eminent gentlemen on that account, though afterward wholly united in support of General Taylor in 1848, an agreement to which Charles Allen referred by saying that "in that day Pilate and Herod were made friends together."

The election was then deferred until the May session. At that session the two Houses concurred in electing Daniel Webster.

Before consenting to permit his own election by the Legislature, Mr. Webster addressed to Governor Lincoln a very earnest appeal, dated May 22, 1827, and printed in Curtis's "Life of Webster," vol. i. p. 293, expressing his own disinclination to accept the office, and urging Mr. Lincoln to accept it. Mr. Webster says:—

"I beg to say that I see no way in which the public good can be so well promoted as by your consenting to go into the Senate. This is my own clear and decided opinion; it is the opinion, equally clear and decided, of intelligent and patriotic friends here, and I am able to add that it is also the decided opinion of all those friends elsewhere, whose judgment in such matters we should naturally regard. I believe I may say, without violating confidence, that it is the wish, entertained with some earnestness, of our friends at Washington, that you should consent to be Mr. Mills' successor. I need hardly add after what I have said, that this is my own wish."

Mr. Lincoln answers,¹ in a letter dated Worcester, May 24, 1827, affirming his refusal. He says that the "expressions of personal disinclination to the office of United States Senator were sincere, and from the delicacy of my position last year, were called for, and openly and repeatedly made. Indeed, it became necessary for me to say that I should absolutely decline the place if offered to me."

It is quite clear that the office of Senator was at Mr. Lincoln's command. Observe that this is in 1827, and is the election for the term of six years, ending March 3, 1833. That includes the period of Jackson's great contest with Nullification, when Mr. Webster, with all his power, came to Jackson's support. It includes the time of the Reply to Hayne, and the great debate with Calhoun.

Daniel Webster, I need not say, would have been a great figure anywhere. But if Mr. Lincoln had acted otherwise there would have been absent from our history and literature, the coming to the support of Jackson, the reply to Hayne, the great speech, "The Constitution not a Compact between Sovereign States," and the powerful attacks on Jackson's assertions of power in the removal of the deposits. The speech on the President's Protest, with the wonderful passage describing the power of England, would not have been made.

¹ See Curtis's Life, vol. i. p. 294.

If the sentiment of Patriotism, and love of Liberty or Union have ever been dominant in this Republic, we cannot measure the value of the influence of Daniel Webster and the speech in reply to Hayne. I am not sure that, without Mr. Webster's powerful championship of the side which prevailed, Mr. Calhoun's theory would not have become established. At any rate, it was the fortune of Daniel Webster that the doctrine of National Unity, whenever it has prevailed in the hearts of his countrymen, has been supported by his argument and clothed in his language.

The State of New Hampshire placed his statue in the Capitol a few years ago. I had something to do with that transaction. Shortly after, I received two letters from private Union soldiers of the Civil War. One of them said that he was on the forlorn hope at Port Hudson, and after their repulse they found shelter in a thicket of brushwood, and that as he lay there, the flag of his regiment floated out in the wind, and there came into his mind Webster's famous closing sentence of the Reply to Hayne.

At the same time, I think by the same mail, came a letter from another soldier, who told me he had been stationed on picket duty in a lonely place where two sentinels had been shot down in succession on the previous night. As he walked up and down on his lonely watch, thinking that at any instant his death shot might ring out from the thicket, he kept up his courage by repeating to himself over and over and over again, the same undying words, "Liberty and Union, now and forever, one and inseparable."

Another incident of the same kind, not of equal importance of either of these, but still of great interest and importance, happened more lately. It was a matter with which I myself had a good deal to do.

When President Hayes entered upon office, there were but three members of the Senate of either party who were supporters of his administration. I was one of them. The other two were my colleague, Mr. Dawes, and Stanley Matthews, of Ohio. President Hayes was, in my opinion, a very wise and able and upright man. It was an admirable administration. He had a strong and excellent Cabinet. But his nomination had disappointed the ambitions of some very influential men in his own party, and the powerful factions of which they

were the leaders and candidates. The opposing party had not only felt the usual disappointment in defeat, but denied the lawfulness of his election. So I was more familiar than would ordinarily have been likely to have been the case with all the councils of his administration. The Secretary of State was my near kinsman, and the Attorney-General had been my law partner.

When the vacancy occurred in the English mission by the resignation of Mr. John Welsh, I very strongly urged the appointment of Mr. Lowell. Mr. Evarts was quite unwilling to select Mr. Lowell, and in deference to his wishes, President Hayes offered the place to several other persons. Among these persons, the offer was made to Governor Bullock, a member of the little Society of which I have spoken, and before its offer to him, to another member of the same Society. I was myself authorized by the President to communicate his desire to Governor Bullock. His answer, declining on account of the condition of his family, will be found in the life prefixed to the published volume of his speeches.

Now, if Governor Bullock had accepted the appointment, which was undoubtedly very attractive to him, what Mr. Lowell did in England would not have been done. He will doubtless go down in literature as a great poet. Perhaps it is presumptuous in me to give an opinion upon the subject. But it seems to me he is entitled to an equal place among the prose writers of the country, and indeed among the prose writers of the English language of our time. His admirable address on Democracy, the delightful address as President of the Wordsworth Society, several estimates of British poets, delivered by him on various occasions in England when he was Minister there, are among the very best examples of his work in prose.

I have thought that these facts were not only of a good deal of general interest, but would have special interest to this Society, of which Judge Story, Mr. Webster, Mr. Lowell, Governor Lincoln, and Governor Bullock were all members.

I do not know that there is any moral to all this, unless it be that if a Worcester man be offered a high office he had better decline it, so that a Boston man may be selected who will fill it much better.

Remarks were also made during the meeting by the PRESIDENT, and Messrs. JAMES B. THAYER, JAMES F. RHODES, ALBERT B. HART, and EDWARD E. HALE.

A new serial, comprising the record of the June meeting, was ready for distribution at this meeting.

MEMOIR
OF
LUCIUS ROBINSON PAIGE, D.D.

BY HENRY F. JENKS.

ON the thirtieth of May, 1894, and for nearly six months afterward, there stood on the rolls of this Society the names of three men who had been members for fifty years, — a thing that had never happened before, and is unlikely to happen again for many years.

These three were the President, Dr. Ellis, the ex-President, Mr. Winthrop, and Dr. Paige, who on that day rounded out the full half-century of his connection with it. In years Dr. Paige was the senior of the three, and he outlived the other two by nearly two years, as well as all those who were elected to membership in the fourteen years after him. He had, therefore, at his death no contemporaries in the Society, and there are to-day none who had professional associations with him to testify concerning the years and work of his activity, so that the duty of preparing this memoir falls to one who had but the slightest personal acquaintance with him, and must depend upon the testimony which those who knew him better have given in memorials already published in the proceedings of other Societies with which he was connected.¹

Lucius Robinson Paige was born in Hardwick, Massachusetts, March 8, 1802. He was the fourth in descent from Nathaniel Page,² who came from England about 1685, and was in Roxbury in 1686, where he was appointed by Governor

¹ Obligation to the memoir prepared for the American Antiquarian Society by Albert H. Hoyt, and the article in the "New England Historical and Genealogical Register," by Rev. Alphonso E. White, which have been freely drawn upon, must be recognized.

² In Dr. Paige's History of Hardwick he spells the family name Paige, but in the Bedford annals it is spelled Page.



Lucius R. Paige.

Joseph Dudley a marshal of Suffolk County. Nathaniel Page is supposed to have been a brother of Nicholas, of Boston, who came from Plymouth, England. About 1687 he purchased a farm in that part of Billerica now the southeastern part of Bedford, which has remained in the possession of his descendants for more than two centuries, and the original dwelling, still standing, has been occupied by seven generations of the same name. He had been active in the Three County Troop, which perhaps accounts for the possession in his family of the flag to be mentioned hereafter.

He died in Boston, April 12, 1692, leaving a will dated the day before, which was probated May 9, 1692. In the inventory of his property we find: Iron work belonging to the saw-mill £3, 02/3 horses £8, 24 sheep and lambs £7, 9 milch cows £20, 6 oxen £12, 40 bushels corn £4, farm buildings and land in Billerica £25, a servant man, £15, a farm of 200 acres at Dedham, £30, a farm at Squabauge¹ and Worcester £10.

The descendants of Nathaniel Page seem to have been active in the military history of the country, and for several generations were commissioned officers. His son Nathaniel, born in England in 1679, who died in Bedford in 1755, was a cornet, and was in the Indian wars. Nathaniel's son John, born 1704, held a similar commission given by Jonathan Belcher, the colonial governor, in 1737. He was a very tall man, was present at Lexington, April 19, 1775, and died in 1782, aged 78 years. John's son, Nathaniel, cornet in the company of minute-men which went from Bedford to Concord, April 19, 1775, carried as ensign a flag² which had been for nearly a century in the Page family, described in the Proceedings of this Society for December, 1885, where there is also an illustration representing it. He died July 31, 1819, aged seventy-seven.

The oldest son of Nathaniel Page was Christopher. Christopher's son Timothy (a son by his second wife) settled in Hardwick; and there Christopher himself died.

The first Nathaniel appears to have been one of the eight original proprietors who purchased from the Indians in 1686 the territory which afterwards became the town of Hardwick.

¹ Perhaps Quaboag, a part of Brookfield.

² See "Beneath Old Roof Trees," by A. E. Brown, pp. 196-203.

Another of these proprietors was Samuel Ruggles, from whom the mother of Lucius R. Paige was descended. These two persons owned one-quarter of the whole territory, and of them Dr. Paige says that when, half a century later, the town was settled, both families contributed their full share in the management of public affairs and in the raising up of large families. For many years they furnished a larger number of voters than any other two families in the town.

According to Dr. Paige, in his history of Hardwick, his grandfather (Timothy) was a member of the Committee of Correspondence in the Revolution, and an officer of the militia. He led his company to Bennington in August, 1777, and to West Point in 1780, and after the adoption of the Constitution received a commission as colonel, which he held to his death, serving as such in suppressing Shays's Rebellion. His wife, who outlived him by many years, died in 1825, aged ninety-three years.

Timothy's son Timothy, the father of Dr. Paige, when a boy of sixteen joined the minute-men, and marched with them to Cambridge in 1775. Later in life he was a representative to the General Court for seventeen consecutive years, and in 1820 a delegate to the convention for revising the State constitution. When he died he was commended as having been a man of undeviating patriotism, intelligence, and unbending integrity.

Timothy Paige married Mary Robinson, of Hardwick, who is said to have numbered among her ancestors Governor Thomas Dudley, and of whose family Brigadier-General Timothy Ruggles and Major-General Jonathan Warner were members, while it is said that among his ancestors were Elder William Brewster and Governor Thomas Prince of the Plymouth Colony.

Lucius Robinson Paige was the ninth and youngest child of Timothy and Mary.

In his address at the centennial celebration in his native town he declared that there was no "spot in the wide world so dear to his recollection as the hill where he was born, overlooking on one side the village, with 'Poverty Hill,' or rather 'Mount Pleasant,' in the background, and on the other the Ware River Valley from Palmer to Wachusett."

He was educated in the public schools of Hardwick and at

Hopkins Academy, Hadley, Massachusetts, and has said of himself that, being a frail and puny boy, with neither robust bodily vigor nor physical courage, he shunned the athletic sports of his comrades, and stealing away at recess, used to study the old inscriptions on the tombstones of the cemetery, thus early entering upon the studies he so much enjoyed in after life.

When it became time for him to select an occupation, he decided in 1823 to enter the Universalist ministry, and studied under the Rev. Hosea Ballou, of Boston. He preached his first sermon in Charlestown, June 1, 1823. On the twelfth of the same month he was received into the Southern Association of Universalists, and ordained June 2, 1825. His first pastorate was in Springfield, Massachusetts, and he held it until 1829. Although belonging to a long-lived race and destined to a longer life than any of it of whom we have record, he was never a man of robust health, and when first settled was extremely frail and delicate in appearance, so much so that many who opposed his doctrines thought that his opportunity for promulgating his views was likely to be so brief that it was hardly worth while to try to controvert his arguments, some of which they admitted to be unanswerable.

He was active in preaching his faith both in Springfield and its neighborhood, and though not an impassioned orator his bearing was dignified and impressive, and while he spoke slowly and deliberately, his words were always clear and deepened conviction, and it was said of him "that he took a decided stand for his convictions, and pressed them so strongly upon his hearers that a most earnest interest was awakened in him and his message." The message which, as a missionary of the new faith, he gave in his early days, "never lost any of its lustre, its fire, or its solemnity, but shone with new beauty and power in a long life of singular loveliness and peace."

In 1829 Mr. Paige removed from Springfield and took a parish in the part of Gloucester now called Rockport. In 1832 he went from Rockport to Cambridgeport, and remained there till 1839, when, his health failing completely, he resigned his parish and relinquished his pastoral work, with the idea that death was near at hand.

During his active ministry Dr. Paige was a constant writer. He printed in the "Religious Enquirer," of Hartford, Con-

necticut, a paper entitled "Universalism Defended," which was reprinted in 1830. In 1833 he published "Selections from Eminent Commentators," a work which passed through several editions. He was for a time assistant editor of the "Trumpet," and began in it in 1835 the publication of "Notes on the Scriptures," which he continued for several years. He wrote also "Questions on Select Portions of the Gospels designed for the use of Sabbath Schools and Bible Classes."

Dr. Paige was particular as a writer of sermons, and a pretty severe critic of others. He always had an abhorrence of repetitions on the part of a preacher from Sunday to Sunday. He once said to a friend, "An *ex tempore* speaker is almost certain to repeat himself; hence I detest *ex tempore* work. A man who writes his sermon first and hunts for a text to suit it, will most likely repeat himself. The only preacher who can work Sunday after Sunday in the same pulpit and not repeat himself, is the man who selects his text before he writes, and obligates himself to do no more than legitimately develop the thought and spirit of the text. He can use history or current events to illustrate; but," with emphasis, "they must actually and truly illustrate the meaning of the text, and not be forced into the discourse improperly or irrelevantly. In this way a man can preach without any extraordinary amount of repetition, and," again with emphasis, "preach the gospel as well."

He had a high ideal as a preacher; as indicated above, he was not accustomed to *ex tempore* speaking; his modesty, if nothing else, forbade him to trust himself without notes, and his sense of duty required him to have made careful preparation before addressing a congregation. On one occasion, after he had retired from the active ministry, the pastor of the church in Cambridge which he attended had gone from home to make an exchange. The minister who was to occupy his place having been taken suddenly with a violent illness, failed to appear, and the congregation waited a full hour with no one to lead the service, before a messenger arrived to announce the expected preacher's inability to come. All eyes turned to Dr. Paige to take the service. This he persistently refused to do, consenting only to announce a hymn and pronounce the benediction. "Nothing could induce him," said the friend who narrated this incident, "to face an audience without a ser-

mon, classically written, with the usual firstly, secondly, and so on to the fifthly, if, indeed, it failed to reach seventhly or eighthly."

As a pastor he had admirable qualifications for his work. He was a natural scholar, an able sermon-writer, a man of the purest character, of the best type and pattern for the citizens of a community to follow. A friend who has given the writer his recollection of him, says: "In parochial work he was a great success. He was a welcome friend in every home, a faithful counsellor and adviser, and a very punctilious person. But he was not an eloquent preacher. He needed the gifts of an elocutionist to give power to the words which he had forcefully written, but could not forcefully deliver. Again, although a man who appreciated humor, enjoyed a good joke or a good story, and could see the comical side of a man or an action, he somehow did not seem to understand human nature. There was a dark and negative side to humanity which he never saw. He was too pure. He saw only the good in men. Gossip pained and mortified him. He could not understand how dark phases of nature could be possible.

"Had Dr. Paige's children lived, he would have seen more of human nature and more of life. They all died young, so that he did not get accustomed to all the varieties of human nature which boys and girls bring to a household. His judgments of others were the judgments of a very well-mannered, perfectly upright, and serious old man. Hence he was often grossly deceived in men and boys, and in the operations of human nature in general, and sometimes the victim of impostors.

"In his theology, Dr. Paige was a Universalist of the old-fashioned restoration type. He was known as a Restorationist. He believed that sin, suffering, and punishment came to an end at the brink of the grave. In the hereafter all would be well for all of God's children. Putting a very literal meaning upon the words, 'As in Adam all die, even so in Christ shall all be made alive,' he held that Christ's atonement was for all the children of the human race. Modern Universalists, probably now without any exception, accept the future growth and progression of humanity; that the law of rewards and consequences extends to the life beyond. This was not usually the view of the Universalists of the age of Dr. Paige."

Although Dr. Paige preached occasionally after he gave up his parish, the remainder of his life was passed in secular labors. He was Town Clerk of Cambridge from March, 1839, to January, 1840, and from March, 1843, until the incorporation of the city, in May, 1846, when he became City Clerk, and held the office until October, 1855. From 1842 to 1847 he was also an assessor. In 1875 and 1879 he was a Representative of Cambridge in the General Court. In 1850 Harvard College conferred on him the honorary degree of A.M.

While holding the office of Clerk of Cambridge, he became interested in its history, and made a careful study of the records in his custody with a view of writing it. Following up in other quarters the investigations thus begun, "with industry and painstaking," says our associate Dr. McKenzie, "he gathered the facts which he arranged in an intelligent method," and in the History of Cambridge, published in 1877, "he made his book a treasure-house of information for all time"; of which President Eliot has said: "It is an epitome of the history, not only of this town, but of a good many other Puritan towns. It fills this place with memories of by-gone scenes, and deeds which were precious to the people of those times, and are precious still to us, their descendants or successors."

At the meeting of March 8, 1877, Dr. Paige presented a copy of his history to this Society, as a commemoration of the seventy-fifth anniversary of his birthday, and his remarks on that occasion, giving as a reason for presenting the copy in sheets, instead of waiting for it to be bound, that recent events had admonished him that one who has attained the age of seventy-five years has a very slender hold on life, and explaining what might appear to some to be deficiencies in his treatment of the subject, are to be found in our Proceedings.¹

Dr. Paige was one of the petitioners for the Cambridgeport Savings Bank, which was incorporated March 28, 1853. He was its Treasurer from 1855 to 1871, and later one of its Trustees, and at the time of his death its Vice-President. He was Cashier for about seven years, President for three years, and from 1857 to his death, one of the Directors of the Cambridgeport Bank, first a State and then a national institution.

¹ First series, vol. xv. p. 256.

Dr. Paige's interest in religious themes did not cease after his retirement from the pulpit, and he devoted his evenings to preparing a Commentary on the New Testament, which was published in six volumes, — the first in 1844, and the last in 1870.

President Elmer H. Capen, of Tufts College, says his work as a commentator was sound and trustworthy, because his analytical power enabled him, as by instinct, to separate the true from the false, and because he knew how to condense into a single phrase the kernel of another man's thought. "He gave not only his opinion, but in briefest words the opinion of all other writers on the passage under review. In this respect his commentaries are compendiums of critical knowledge."

In his tribute to Dr. Paige, at the time of his death, our President, Mr. Adams, said of this Commentary, that it has been described as being "the best extant depository of the kind of information that throws light upon the New Testament page. Later scholarship may have made discoveries that modify some of the expositions, and of course has added explanations not possible forty years ago. But Dr. Paige's Commentary has never been displaced, is in no danger of becoming obsolete, is a storehouse of Biblical facts and wisdom."

This is perfectly true. Containing no results whatever of what is now known as the *higher criticism*, these commentaries are eminently useful. Yet they have passed out of use so completely that only with the greatest difficulty could the present writer find a copy for examination.

As an active and prominent Universalist, Dr. Paige was very much interested in the establishment of Tufts College. He gave money to it. He served on committees for laying its foundation, and for arranging the studies to be pursued in it. He became a member of the Board of Trustees in 1859, and was its Secretary from 1862 to 1876, and at the time of his death was Senior Trustee, both in years and length of service. He gave the College during his life \$5,000, and in his will left a bequest of \$2,000 to found a scholarship. The College, in 1861, gave him the honorary degree of Doctor of Divinity, and the dormitory of the Divinity School is named for him, "Paige Hall."

In 1838 Dr. Paige delivered the historical discourse at the

centennial anniversary of the incorporation of the town of Hardwick. Before that time he had begun to collect materials for the history of the town, but it was forty years more before the work was finished. In 1882, at our March meeting, which again occurred on his birthday, when he was eighty years old, he laid on our table, as a birthday tribute, a copy of the completed book, as five years before he had laid his history of Cambridge.

In both these histories there are very full genealogical registers, compiled with great care. They have been pronounced models of what a town history should be, containing the most important information that could be procured from original sources. President Capen says they are valuable not only because of the thoroughness of research which distinguishes them, but because they set the past before us as it really was. Dr. Paige never gave his readers anything for fact which he got by inference, or hearsay, or by a guess.

Dr. Paige was an enthusiastic believer in the beneficent work and influence of the Masonic body. He joined it at Little Falls, New York, in 1824. In 1826 he was made Master of the Lodge in Hardwick; and the same year joined the Knights Templars, becoming an Eminent Commander. In 1846, February 10, he joined Amicable Lodge in Cambridge, being chosen Master the same night.

In the Grand Lodge of Massachusetts he was Grand Steward in 1849-50, Grand Deacon in 1851, and Deputy Grand Master in 1852, 1853, and 1854. He was for many years the representative of the Supreme Council of Belgium in the Supreme Council, thirty-third degree of the Northern Masonic jurisdiction of the United States. At his death he was the oldest Past Commander of Knights Templars, and the oldest surviving Life Member of the Grand Lodge. He also belonged to the fraternity of Odd Fellows.

This Supreme Council of the thirty-third or last degree of Freemasonry in the Northern Masonic Jurisdiction of the United States has its head-quarters in Boston, and meets there but once in three years. Dr. Paige was an active member, but as he grew older, he attended only the Boston sessions. On one such occasion, not thinking it probable or possible that he could live until the next Boston gathering, he made a farewell address to the brethren, which had evidently been prepared

with care, and was very impressive. It was printed with the proceedings. But he lived on, and when the next Boston session was held, he was with the brethren once more, to the delight of all. Again he delivered a farewell. No one doubted this would be really such. Three years more passed and the Supreme Council met again in Boston. Again Dr. Paige was on hand with another farewell to the brethren. By this time it became almost a joke; but the seriousness of the occasion prevented all from allowing the good old man to perceive that his hearers saw the humorous side of it, although Dr. Paige himself, in his prime, was one who would readily have detected it.

Dr. Paige became a member of the Massachusetts Historical Society at the meeting May 30, 1844. On the 21st of January, 1845, he was the first Resident Member, elected by the five founders of the New England Historic-Genealogical Society. He held his membership for over fifty years, and at his death was the oldest living member of each Society. He became a member of the Pennsylvania Historical Society in 1854; an Honorary Member of the Worcester Society of Antiquity in 1876, of the Phi Beta Kappa Society in 1877; a Corresponding Member of the Historical Society of Wisconsin in 1877, and a member of the American Antiquarian Society, October 21, 1878.

At the meetings of this Society he was a very regular attendant, occupying of late years, because of his deafness, a certain chair directly before the President, which came to be regarded as almost prescriptively his. Sometimes changing it to get in closer proximity to a speaker, he listened attentively to the proceedings, occasionally interjecting a remark. He occasionally served on committees of the Society, but he was not a contributor to its Proceedings to any extent. At the meeting in January, 1845, he read an account of the Harlakendens, which was afterwards incorporated in his History of Cambridge; in June, 1858, Reminiscences of the Vassall Family; September, 1860, Remarks on the Early Account Books of Harvard College; February, 1861, on the Stewards of Harvard College; March, 1863, on Harvard Dinners; and in June, 1859, and May, 1860, he paid tributes to Henry Bond and the Rev. Sylvester Judd.

"To Dr. Paige," said one of his friends, "was granted an

ideal old age, passed in a community where everybody was his friend." For sixty years he lived in the house in Cambridge he had himself built, passing the later years of his life in comparative retirement but never in idleness. He occupied himself with his books, his magazines, and his correspondence, and kept up an interest in public events at home and throughout the world.

"To those," says another of his friends, "who were honored with his intimate friendship in his own house, when the doors were shut and the curtains drawn, he disclosed his abounding humor, the warmth and generosity of his heart, the sweetness, purity, and elevation of his nature. . . . His conversation was enlivened by a great fund of illustrative reminiscences; but he was always a gentleman and dealt kindly with the reputations of his contemporaries and of the dead. He abhorred that habit which reveals itself in the repetition of scandal, and in efforts to excite mirth over the weaknesses and eccentricities of other men."

Another friend has thus described to the writer his life in his home:—

"The same dignity of manner which characterized his public demeanor was typical of his home life. His house, a good one for its time and place, was not pretentious. His furniture, containing many valuable heirlooms and choice pieces, was not showy, and he was modest though careful in dress and demeanor. But in his home, in his library, in the presence of his family, at his table, and in the performance of all domestic duties, there was the same quiet dignity, the same calm repose, and the same thoughtful and deliberative manner which invariably characterized his public appearance.

"He entertained delightfully. He did so almost without knowing it. He made no special preparation for guests. They were not invited to an inspection of china-ware, mahogany, or French cooking. His every-day style of living was good enough for any guest, and he was always likely to bring one in, and such a guest would always be welcome.

"Dr. Paige had not the advantages of a college training, but he did have the advantage of a mind that could learn and could train itself. He studied the classical and modern languages, was a good mathematician, and an extensive reader of historical works. He had a large and well selected library for a man of his generation. He was too old to try to keep 'up-to-date' with all of the very latest fads of philosophy and study, but was by no means ignorant even of these latest phases

of knowledge. The books of his well-stocked library, though they might be thought rather behind the times now, were good in their day, and among them were many rare old editions of authors not now easily obtainable."

On Dr. Paige's eightieth birthday, a number of his friends gathered in the vestry of the Cambridgeport Universalist Church, the same church of which he had been called to be pastor fifty years before, to show their respect for him and tender their congratulations. Mr. Longfellow, unable to be present, on account of illness, sent a pleasant letter, with a copy of his poems. Dr. Paige made an address, in which, speaking of himself as an exception to the Psalmist's rule regarding the labor and sorrow attendant upon fourscore years, he said:—

"I am very sensible of many infirmities incident to old age, both bodily and mental ; yet the burden has been so light and the compensations so large, that scarcely any equal period of time during my long life has, on the whole, been more enjoyable than the last ten years. . . .

"An undoubting belief that God is the absolute Ruler of the Universe, and that He will not permit the occurrence of any event which He cannot overrule for good, sustained me in the various trials which befell me before I attained the age of threescore years and ten, and since that period it has enabled me to possess my soul in patience. . . .

"Not only have the last ten years been satisfactory, but I cannot select any period of eighty years, since the days of the Apostles, which I would be willing to take in exchange for that which is now closing. To say nothing of the marvellous improvements affecting the physical welfare of mankind, the changes wrought in the religious world are sufficient to satisfy my cravings, especially those which concern us most nearly. Eighty years ago Universalists were accounted infidels, and shunned as moral lepers, unfit for decent society. But now they are acknowledged to be Christians, and are treated with such respect as their conduct may deserve. . . .

"The eightieth year of my life nearly coincides with the fiftieth year of my residence here. . . . It is one of the choicest gems in my present crown of rejoicing, that from the beginning I have generally lived in peace with my fellow-citizens. I am not aware that I have a personal enemy in the city ; and I have no occasion to cherish hostility against a single individual.

"My life cannot be regarded as eventful, in the ordinary sense of the phrase ; yet I have experienced the usual vicissitudes of human life. . . . Like others who live long, I have witnessed the departure

of my early friends, one by one, until few remain; yet I rejoice in the belief that they have not perished, and that a happy meeting awaits us hereafter. . . .

"I have received all the honor I deserve, and more. . . . My literary labors, as well as my secular duties, have been fully appreciated and abundantly rewarded."

In 1892, in the same church, was celebrated with appropriate services the sixtieth anniversary of his first sermon preached there, and on this occasion was sung a hymn, of which the following is the last stanza:—

"And so, for him Time's silver crown
With heavenly glory seems to shine;
His past well stored with fruitful years,
His future safe in love Divine."

After only a few days of serious illness the end came, September 2, 1896, in the ninety-fifth year of his age. His funeral, in the old church where he had ministered, was attended by children or grandchildren of his former congregation, by representatives of the city government, of Harvard and Tufts Colleges, of the Universalist clergy and laity, and of the various organizations of which he had been a member. Men of every age and every walk in life gathered to pay tribute to one whose modest and useful life had won respect and had been a blessing to the community. The funeral sermon was preached from the text, "With long life will I satisfy him, and show him my salvation."

From the testimonials of his friends a few may be selected. One writes to the present writer:—

"Dr. Paige was a typical gentleman of the old New England school; a man of invariable dignity, modest, unpretentious, yet self-possessed and firm. He was a Puritan without being a Puritan. Descended in many lines from some of the oldest and proudest of New England families, he seemed to inherit the best and most desirable traits of all.

"His integrity of character was of the stern, uncompromising type. He never trifled with duty and conscience. If he were convinced that any method, any procedure, any opinion, any belief, any action, or any thought was right, that was the final court of appeal with his conscience. No power on earth could swerve him from his sense of duty or bend his will. At the same time, he was not disagreeable to those of differing opinions. He would scorn all efforts to compromise with anything he

believed to be wrong or false, and, in proper ways, would oppose error ; but he never made himself unnecessarily or officiously offensive. He had the full courage of his convictions, but could be, and always was, a perfect gentleman where there was a plausible ground for one to differ from him."

President Capen says : " Intelligent, clear-sighted, and far-sighted, abounding in common sense, thoroughly informed on current questions, he was the good citizen and the good man ; he was honest and truthful to the core, he performed whatever duty was put upon him with painstaking and conscientious fidelity."

Dr. McKenzie says : " The traits that marked him in life were integrity, accuracy, generosity."

Mr. Adams says : " He was not eloquent, nor imaginative, nor philosophic ; he had no magnetism, but he was a man of great powers of application, absorbed in any subject on which he was engaged, equal to long-sustained physical and mental effort, of indefatigable industry, careful and accurate." Referring to a notice of him published after his death, which said " Dr. Paige had character," Mr. Adams says, " he was the embodiment of that element of character in the individual member of the community which, permeating the mass, made the Puritan Commonwealth from the beginning what it was, and sustains Massachusetts to-day."

Finally, Mr. A. H. Hoyt says : " Born and bred among a people who were separated from the Puritan epoch more by a long interval of years than by any substantial difference in spirit or principles, Dr. Paige inherited their quick and clear apprehension of truth and justice, their unswerving loyalty to whatever they regarded as the imperative demand of duty. But his Puritanism was ameliorated by warm sympathies for his fellow-men, a tolerant disposition, and a serene faith in the infinite love of his Divine Master."

Never a wealthy man, Dr. Paige lost the accumulation of many years through the robbery of a Cambridge bank, yet he gave, and generously, to many things in which he had an interest. To the town of Hardwick he bequeathed his library, with a sum of \$10,000 for a permanent fund for its care, maintenance, and increase.

Dr. Paige married (1) Clarinda, daughter of Ezekiel Richardson, of Brookfield. She died August 29, 1833. Their chil-

dren were Henry Ballou, born December 23, 1827, died January 17, 1828; Lucius Robinson, born September 19, 1829, died October 28, 1852; Mary Jane Pearce, born March 8, 1832, died December 27, 1854. (2) Abby R., daughter of Joseph Whittemore, of Charlestown. She died December 23, 1843. Their children were Thomas Whittemore Robinson, born October 17, 1837, died April 2, 1838; Clarinda Richardson, born December 24, 1840, died December 30, 1843. (3) Lucy, daughter of Barnabas Comins, of Charlton, and widow of Solomon Richardson, of Brookfield. She died January 3, 1864. (4) Ann Maria, daughter of Robert M. Peck, of Worcester, and widow of Hon. David T. Brigham, of Keokuk, Iowa, who survived him, and died August 1, 1901, aged ninety-four years and ten months.

His published works were:—

Universalism Defended, a reply to several discourses delivered by Rev. Timothy Merritt in 1827 against that doctrine.

Faith in the Doctrine of Grace not Hazardous.

Penalty of Adam's Sin. Published in the first and second volumes of Original Sermons by Universalist Ministers. Gardiner, 1831-33.

Selections from Eminent Commentators who have believed in punishment after death, wherein they have agreed with Universalists in their Interpretation of Scriptures relating to punishment. 1833.

Questions on Select Portions of the Gospels designed for the use of Sabbath Schools and Bible Classes. 1839.

A Commentary on the New Testament. 6 vols. 1844-1870.

Address at the Centennial Celebration, Hardwick, Massachusetts, Cambridge, November 15, 1838.

Address at the Inauguration of A. A. Miner as President of Tufts College.

An address delivered before Amicable Lodge, October 18, 1855. 1856.

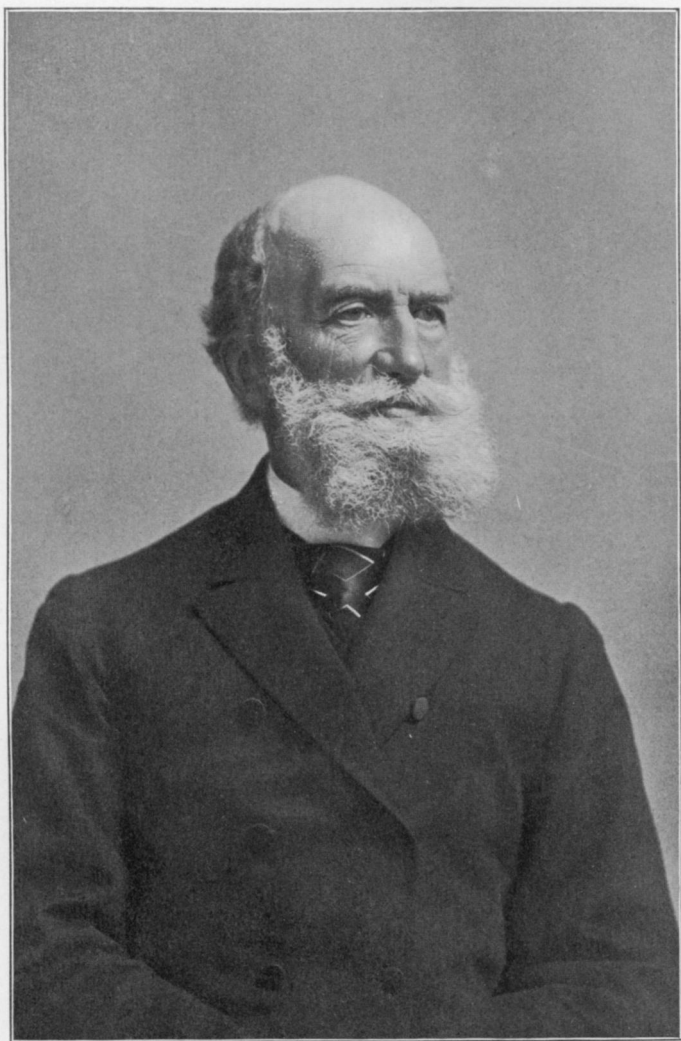
Reminiscences of the Vassall Family, in Proceedings of the Massachusetts Historical Society, 1858-60, 1st series, vol. iv. pp. 63-66.

Stewards of Harvard College, in Proceedings of the Massachusetts Historical Society, 1st series, vol. v. pp. 154-158.

Harvard Dinners, in Proceedings of the Massachusetts Historical Society, 1st series, vol. v. pp. 160-164.

History of Cambridge, Massachusetts, 1630-1877, with a Genealogical Register. 1877.

History of Hardwick, Massachusetts, with a Genealogical Register. 1883.



J. P. Whelan

MEMOIR
OF
SAMUEL FOSTER McCLEARY.

BY JAMES M. BUGBEE.

WHEN the question of electing the first Mayor of Boston came up in 1822 a bitter contest ensued between the followers of the two leading Federalists — Harrison Gray Otis and Josiah Quincy — which was finally settled by the selection of a compromise candidate, John Phillips, a man of easy, temporizing disposition, father of Wendell Phillips, one of the most uncompromising and least temporizing of men. Mr. Phillips had been President of the State Senate for some years, and in that position had come to depend largely on the tact, discretion and legal knowledge of the clerk of that body. He made it a condition of his acceptance of the mayoralty that the Clerk of the Senate should be translated to the City clerkship, an office which, under the laws of that time, was second only in importance and dignity to that of the Chief Executive. The condition was readily assented to by the party leaders, and subsequently carried out by the unanimous vote of the City Council.

In this way Samuel Foster McCleary was brought into the service of the City as its first Clerk, a position which he held by successive annual elections for thirty years, and in which he was followed by his son of the same name, the subject of this memoir, who held it for thirty-one years.

The ancestors of this branch of the McCleary family (the name appears in the early records as MacClary) went from the lowlands of Scotland to Londonderry, Ireland, in 1689. John McCleary, the great-grandfather of the first City Clerk, was a passenger on the "Sea Flower," which sailed from Belfast for Philadelphia in July, 1741, but put into Boston six-

teen weeks later in great distress, the master and about forty others having died of hunger during the voyage. Samuel, son of John, probably came over with his father, and in 1744 married Elizabeth Foster of Boston. His son Samuel, born October 6, 1745, married Mary Luckis of Boston.

The McClearys contributed two officers to the army of the Revolution — David, a lieutenant in Captain Daniel Reynolds's Company, of Londonderry, New Hampshire, who fell at the battle of Bennington; and Andrew (borne on the records as McClary), a major (grand-uncle of Samuel Foster, 2d), who served under Prescott at the battle of Bunker Hill, and who occupies a prominent place in Trumbull's well-known painting. The major was a man of extraordinary physical proportions;¹ and as his grand-nephew was rather below the average height and of slight build, the college classmates of the latter were in the habit of referring to him as "Stalwart McCleary" and "Six-foot McCleary."

Samuel Foster, senior, son of Samuel and Mary (Luckis) McCleary, born in Boston, April 28, 1780, was a counsellor-at-law, and took an active part in politics as a member of the Federalist party. In 1815 he was chosen clerk of the State Senate, and held that office until 1822, when he was elected City Clerk, and annually re-elected, generally by a unanimous vote of the two branches of the City Council, until 1852, when he resigned on account of failing health, and died January 12, 1855. He married May 20, 1819, Jane Walter, daughter of Lynde and Maria Van Buskirk Walter. She died a few months later, and he married May 24, 1821, Maria Lynde Walter, sister of his first wife, born October 5, 1794, at Shelburne, Nova Scotia, where her maternal grandfather, a loyalist refugee, was then living. The Walter family was one of considerable local distinction in church and state, and was allied by marriage with families distinguished in New England history. Nehemiah Walter (H. U. 1684), son of Thomas Walter, who came from Youghal, Ireland, in 1679, was pastor of the First Church in Roxbury. He married Sarah Mather, daughter of Increase and Maria (Cotton) Mather. His son Nathaniel (H. U. 1729) was pastor of the Second Church in Roxbury. His grandson, William Walter, D.D. (H. U. 1756), was the second rector of Trinity Church. His great-grandson,

¹ Frothingham's History of the Siege of Boston, pp. 186, 187.

Lynde Walter, was one of the leading merchants of Boston, and took an active part in local affairs. He was one of the delegates to the Constitutional Convention of 1820, and introduced the resolution instructing the committee of which Daniel Webster was chairman to inquire into the expediency of so altering the Constitution, as to enable the legislature to set up a city government in Boston. His wife, Maria Van Buskirk, was a daughter of Abraham Van Buskirk of Hackensack, New Jersey, a loyalist commissioned as Colonel in the British army, and later a refugee to Nova Scotia.

Samuel Foster McCleary, son of Samuel Foster and Maria Lynde (Walter) McCleary, was born in Boston, July 14, 1822, a few weeks after his father took office as the first City Clerk. In an autobiographical note, written in 1883, he says: "Mr. Phillips [the first Mayor] was a strong personal friend of my father, and he has often visited my father's house and taken me into his lap. Of course, I have no personal recollections of Mr. Phillips; but his immediate successors in office, Mr. Otis and Mr. Quincy, lived to a green old age, and I enjoyed a personal acquaintance with both. It thus happens that every Mayor of the City of Boston, from 1822 to 1883, has taken me by the hand."

He attended private schools until of age to enter a grammar school; and after passing through the customary courses there he went to the Latin school, where he was fitted for college, receiving on graduation the Franklin Medal. He entered Harvard College in 1837. Among his classmates were Thomas Wentworth Higginson, Dr. Edward H. Clarke, Charles Coffin Harris (at the time of his death Chief Justice and Chancellor of the Hawaiian Kingdom), Wickham Hoffman, and Francis E. Parker. He received a *Detur* in the Sophomore year, "indicating that he was among the first twenty of the class," and at Commencement the part assigned to him was a colloquy with Francis Morgan Rotch on the subject of "Youth and Reform, Age and Conservatism."

After a course in the Harvard Law School, where he received the degree of LL.B., he studied for a year in the office of John A. Andrew, afterwards Governor of the State, and was admitted to the Bar, October 9, 1844. He was on the road to what would have been regarded in that day as a lucrative office practice when his father's failing health brought up

the question of a successor in the office of City Clerk. The family name had then become so identified with the City government that the idea of preserving the connection appealed strongly to him, backed as it was by the expressed wishes of all parties. His father resigned at the end of the year 1851; and when the City Council of 1852 came in he was unanimously elected to the office. He went into it with the intention of making it his life work, and, as local affairs were then managed, with the reasonable expectation that he would hold the office as long as he performed the duties to the public satisfaction.

What he gave up on taking office, and what a trial he was subjected to soon after, may be given in his own words, written, it should be said, just after he had failed of re-election :

“ In order to secure the strictest impartiality of conduct in the administration of the office, I abandoned all connection with social and party organizations : I attended no caucuses or conventions, and never signed a petition for any object, fearing that insensibly some official character would be connected with my individual name. . . . I never wronged the City or any man out of one penny ; on the contrary, I have again and again paid money from my own pocket to keep up the work of the office when its appropriation was exhausted. I never asked to have my salary raised ; but have often asked to have it reduced whenever I deemed it too high for the times.

“ In 1854 when the Native American excitement swept over the entire country, and the City Council of Boston were elected on the narrow issue of proscription to all foreign-born citizens, every office-holder in the City Hall except myself joined that party. . . . Though often importuned to do so, accompanied by threats of loss of position, I constantly and resolutely refused, stating that I took an oath each year to do my official duty faithfully and impartially, and that therefore I ought not to identify myself with any party of proscription. It happened that no Mayor was chosen in 1854, and the duty of calling the new City Council of 1855 to order, and of presiding until the new organization was effected devolved upon me. That year, notwithstanding the threats, I received every vote but one.”

The character of the City government underwent a complete change during the period in which Mr. McCleary held office. Although nearly half of the inhabitants of Boston in 1852 had either been born in a foreign country or were descendants in the first generation from those who were foreign

born, they had few votes and held no offices. It was not until after the constitutional restriction on naturalization had been repealed in 1863, that the foreign element became a power in municipal politics. The "stream of tendency" which seems to have made steadily for unrighteousness in local government during the last half century cannot, however, be laid wholly, or even perhaps in large part, to the foreign vote. The growth of the city, largely through the annexation of surrounding cities and towns (an increase of about 165 per cent during Mr. McCleary's term of service) and the greatly increased expenditures for municipal purposes brought into the service a body of professional local politicians, among whom were to be counted a fair share of the descendants of the Puritans, whose skill in manipulating ward caucuses and diverting the public funds to personal ends could hardly be excelled by the descendants of the Irish kings.

The Civil War had a most demoralizing influence on the City Council. The members were called upon to give much more time than formerly to the City service, and for this they received no direct compensation. They endeavored to square the account by eating, drinking, and riding at the City's expense.

The City junketing was a sore trial to Mr. McCleary. He had a great deal of influence with the City government on most questions, but on this one he was powerless to secure reform. He sometimes said unpleasant things to committeemen when refusing their repeated invitations to "meals at all hours" at the expense of the City; but they continued to go to their dinners, and laughed over his sarcastic remarks as those of a well-meaning but narrow-minded and rather cranky individual.

The great increase in the area and population of the City between 1865 and 1875 necessitated changes in methods of administration which Mr. McCleary was always ready to introduce at the right time and in the most practical and economical form. It would not be possible within the limits of this paper to describe in detail the various duties — executive, ministerial, and clerical — which devolved upon him under general and special statutes of the Commonwealth, ordinances of the City Council and rules of the Board of Aldermen. After a full day's work at his office, covering from eight to

twelve hours, he generally carried home a lawyer's bag full of papers which he worked over during the evening and often far into the night. He had sole charge of the preparation of the voting lists for all national, state, and municipal elections until 1874, when the population of the City had risen to over three hundred thousand. His sense of responsibility for the purity of the lists led him to scrutinize every name that was placed on it; and it is not too much to say that the measures he took to prevent fraudulent registration during the demoralizing period following the war saved the City government from falling under the influences which dominated New York and Philadelphia. His influence on the Councils of the City during his term of office — an influence quietly exercised, and of which few even of those upon whom it was exercised were at the time conscious — was more potent than that of any other local officer. Most of the mayors and heads of departments, and many members of the Council consulted him on all new and important questions, and although they did not always follow his advice their action was in some measure shaped by it.

He was, as has been said, a man of wit, but his sense of humor was not strong, and life at City Hall, with what appeared to him to be a steady deterioration in the character of those elected to the legislative departments of the government, made him restless and at times unhappy. He undoubtedly felt it more strongly than he would if he had travelled out of the narrow circle in which he had condemned himself to move. He was naturally of a joyous and responsive disposition and loved a good time more perhaps than most men; but he could seldom be induced to take an outing, even when his health was suffering from long continued confinement to his office, because of what most persons, certainly most public officers, would call an exaggerated sense of his duty to the City. When at rare intervals he did take a short vacation he insisted on paying from his own pocket for carrying on the duties of the office during his absence. He could easily have secured a position with a better income than he received as City Clerk, and one in which the surroundings would have been much more congenial, but he felt it his duty to hold on as long as he had an opportunity to keep his department of the City service up to the standard which had

been set by his father. No political pressure or personal influence was ever able to make him lower that standard.

He had been so often re-elected in spite of the combinations and intrigues of the ward politicians that he and his friends had come to believe that he would retain the place as long as his strength held out. But the Municipal election of 1882, following General Butler's election as Governor of the State, brought into the City Council a controlling element less scrupulous and less amenable to public opinion than usual, and on the organization of the government, in 1883, Mr. McCleary failed of re-election by three votes. The action came as a complete surprise to him and to the citizens generally. It is not worth while to dwell here upon the means by which he was defeated. He felt it keenly at first. It was like a blow in the face to one who had given to the public service the best of a life rich in good work. It might be set down as one of "life's little ironies" that the man who had recorded the thanks of the City to numerous Fourth of July orators and others for the service of a day should be turned out of office without a word of commendation after thirty-one years of arduous and self-sacrificing labor to promote the welfare of the City. He soon had substantial evidence, however, that his long and faithful service was fully appreciated by his fellow citizens. A sum of money equivalent to several years' salary as City Clerk, was promptly raised and presented to him "to relieve," as the subscription paper stated, "any temporary embarrassment caused by his removal from an office in which he had given the best years of his life and the best efforts of a well-trained, courageous, and singularly conscientious mind."

In accepting the gift, which he did with some reluctance, he wrote: —

"I was hardly aware of the extent and intensity of sympathetic feeling engendered by the recent action of the City Council until I encountered it on the street and read it in my letters. And certainly I never contemplated that the earnestness and sincerity of such feeling would take the practical and beneficent form which your testimonial has exhibited. This indeed was a revelation and surprise to me. I have done only my duty in the position I occupied and was satisfied not simply with the salary awarded to me, but rather with the consciousness of doing that duty thoroughly and well, without compromising one iota of my self-respect."

From a number of good positions offered to him immediately upon his retirement from the City Hall he accepted the one which he felt most competent to fill, that of manager of the Boston office of the New York Equitable Life Assurance Society. After five years' service, being then sixty-five years of age, he resigned that office and devoted his time to the management of a number of trusts confided to him by friends and relatives, and to congenial pursuits, from which this Society was one of the gainers.¹

He was for many years treasurer of the Franklin Fund for the benefit of young mechanics. As the primary purpose of the donor could not be carried out, a great many ingenious schemes for using the accumulations to promote private enterprises or personal fads were urged upon the Trustees; and Mr. McCleary devoted a good deal of time, on the whole successfully, in trying to prevent the use of the fund for objects which "Poor Richard" would not have hesitated to reject.

During the greater part of his life he had little time for reading; but he had an instinct for what was best in literature and used what time he could snatch from his work in keeping up his college acquirements. In his familiar correspondence, — letters to his best loved college classmates in which he felt entirely free to let himself go, — he showed a felicity of expression, a brightness of spirit rarely to be found in the writing of one not devoted to literary pursuits.

The survivors of the class from which he graduated at Harvard College in 1841 commemorated the fiftieth anniversary in such a delightful manner that he was unanimously requested to prepare and print an account of it with brief sketches of the members of the class. Following the completion of this work (privately printed), the members of the Class of '41, wishing to give him "some memorial not only of his useful and honorable life, but of his especial fidelity to the Class," presented to him a loving cup, — "what Shakespeare calls," said Mr. Higginson in his note accompanying the gift, "a bowl to hold our thanks, only that is not large enough, — in order that it may transmit to your children's children the testimony of our grateful affection." In acknowledging the gift, he said: "It has been my good fortune that the brightest hours of my life have

¹ See Mr. Charles C. Smith's remarks on his relations to this Society, *ante*, pp. 76, 77.

been those passed at College, or in later days in the society of my classmates, and amid the associations and memories connected with each and all of you."

He was married on February 1, 1855, to Emily Thurston Barnard, daughter of Captain James Henry and Elizabeth Lawrence (Farris) Barnard, of Nantucket, Massachusetts. She died in 1876. He had five children, a son and four daughters, of whom three now survive,— Emily, who married Josiah B. Millet (H. U. 1877), Cornelia, and Helen. The son, Samuel F. McCleary, Jr., born November 17, 1865, was graduated at Harvard in 1888, became assistant minister of the Church of the Saviour in Brooklyn, New York in 1892, and died December 2, 1892. He possessed a winning personality, to which were added "a nobility of soul, an earnest enthusiasm for whatever was right and true, and a most unselfish sympathy for his fellow-men."¹

Mr. McCleary was for many years an active member of the Church of the Disciples, and a warm friend of the first pastor, Dr. James Freeman Clarke.

His activity of mind and body continued happily up to the day of his death, which occurred on April 25, 1901. He was living in Brookline at the time, having taken up his residence there soon after retiring from office.

Robert Grant who was associated with him for a time in the service of the City writes:—

"He was one of the very few men who emerge from City Hall and municipal life as fine morally as when they went in. Indeed he was almost austere in his undeviating adherence to the line of strict duty. He never compromised with wrong as so many well-meaning men do in order to seem good fellows. Yet he did his work in such a thorough way that it was long before the City Fathers dared to disturb him. In this day of optimistic tolerance of easy-going methods, — which seem almost necessary in some cases, — his strict, fearless attitude was the best of legacies to his fellow citizens. He was a staunch, simple-hearted, manly, public-spirited member of the community, one of the breed of men whose taking off is a genuine loss from the standpoint of character."

¹ A memorial of Samuel Foster McCleary, Jr., written by his father (privately printed).